

**AFFIDAVIT OF
PUBLICATION**

State of Idaho

County of Fremont

ss.

DOROTHY D. HUNSAKER

being first duly sworn, upon his
oath, deposes and says:

That he is the Owner
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

NOTICE TO CLAIM
TO A WATER RIGHT
#21-4007

And affiant further says that
said notice, advertisement or
publication, 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 is-
sues thereof; first publication
having been made on the 4th
day of Oct, 1973,
and the last publication on the
11th day of Oct.

19 73

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.

Dorothy D. Hunaker
Subscribed in my presence and

sworn to before me this 15
day of October,

19 73

Myrnetti Rose
Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED

OCT 17 1973

Department of Water Administration
Eastern District Office

MB
NOTICE OF CLAIM TO A WATER RIGHT
NO. 21-4007

Notice is hereby given that Idaho Fish &
Game Department, 600 South Walnut Street,
Boise, Idaho, has filed a claim to a water
right established by diversion and application
to beneficial use of 168 acre feet per annum
of water from Blue Creek tributary to Henry's
Fork drainage with point of diversion in the
NE1/4SE1/4, Sec. 9; SW1/4SW1/4, Sec. 3, T.
10N, R. 41E, B.M. Fremont County.

The water is claimed to be used from Jan.
1 to Dec. 31 for storage for propagation of
fish, wildlife and aquatic plants with a priority
of October 1965; the place of use is within the
SE1/4NE1/4, NE1/4SE1/4, Sec. 9; NW1/4-
SW1/4, Sec. 10, T. 10N, R. 41E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the Fremont County Chronicle-
News, St. Anthony, Idaho on October 4 and
October 11, 1973. cu

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
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 IDAHO FISH AND GAME DEPARTMENT
600 South Walnut Street (name of claimant)
of P. O. Box 25 Boise, ID 83707, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Henry's Fork of Snake River ;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Decreed and licensed water rights of Blue Creek held by the Idaho Fish & Game Department.
- (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>168 a/f</u> | Use | <u>/</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</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: cubic feet per second, or 168 acre feet per annum, and/or gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) October 1965

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. 9 Twp. 10N Rge. 41E B. M. County of Fremont
Additional points of diversion: SW¼SW¼, Sec. 3, T 10 N, R 41E, BM

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. An earth fill dam across the stream course 9' in height and 3400' in length and a diversion and bypass headgate 8' wide and 6' in height. The pond area is 39 surface acres with an average depth of 4.3 feet. The feeder ditches are 2300 ft. and 900 ft. in length.

- (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.

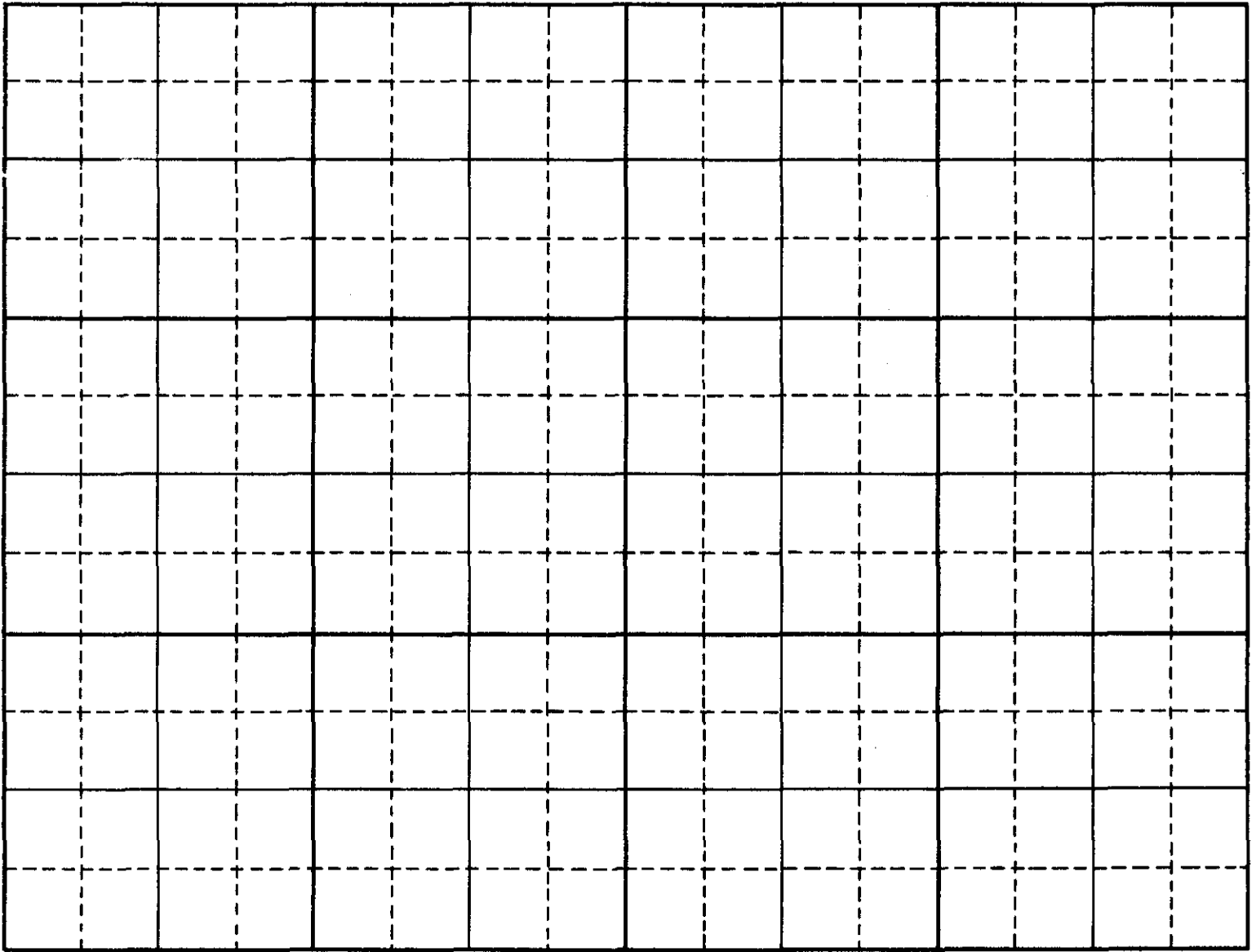
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10N	41E	9				1									18				19
10N	41E	10									20								20

Total No. of acres 39

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Flood irrigation by storage within the pond area for the propagation of fish, wildlife and aquatic plants.

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

- (8) Remarks The water storage claim to a water right is for pond #3 designated on the attached map.



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. Map attached,

State of Idaho
Bonneville ss.
 County of Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~Max Deys~~ 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.

IDAHO FISH & GAME DEPARTMENT

Joseph C. Greenley Director

Sworn to before me this 27 day of September, Boise, Idaho, 19 73.

Norm C. Young
 Notary Public

Residing at Boise, Idaho

My commission expires 6/10/75

For Department Use Only

Received by <u>mt</u>	Date <u>9-24-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>NCY</u>	Date <u>9/24/73</u>		claimant by:	
\$10.00 fee received by <u>mt</u>	Date <u>9-24-73</u>	VOUCHER SIGNED		
Approved for publication by <u>CW</u>	Date <u>9/27/73</u>	#10382		
Published in <u>Idaho City Chronicle</u>	Date <u>Oct 4 & Oct 11, 1973</u>			
Dates <u>Oct 4 & Oct 11, 1973</u>				
Public App'd <u>NCY</u>	Date <u>10/22/73</u>			

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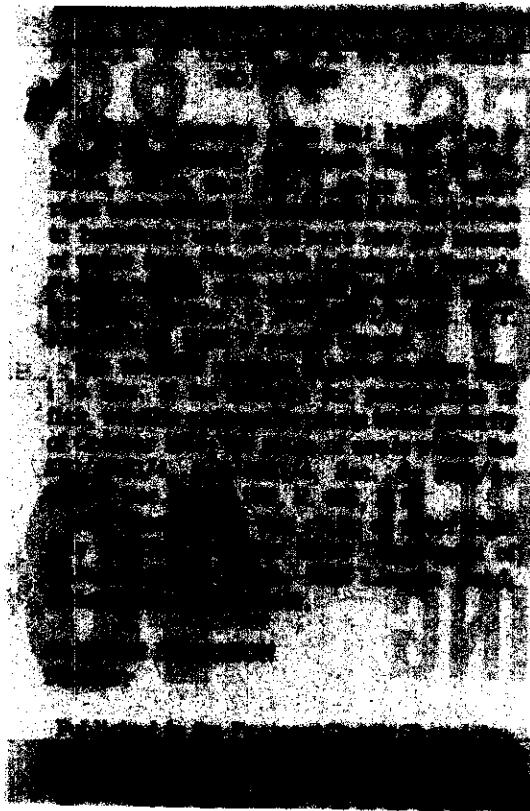
Marionette Rose

Notary Public for the
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Department of Water Administration
Eastern District Office



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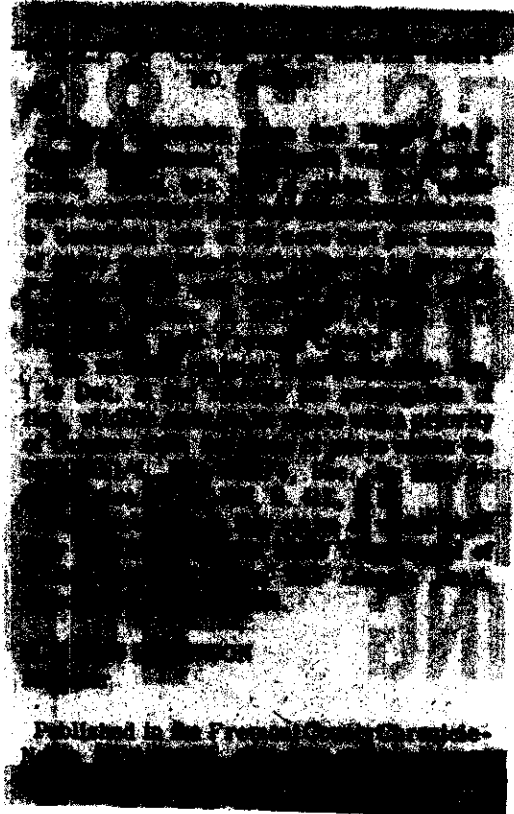
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Department of Water Administration
Eastern District Office

Duplicate



21 4007

1515 Lincoln Road

October 23, 1973

Re: Claims to a Water Right No. 21-4006, 21-4007 & 21-4008

Mr. Floyd Law
Fall River Irrigation Co. Ltd.
St. Anthony, Idaho 83445

Dear Mr. Law:

This office is in receipt of your letter of October 17, 1973, noting your exception to the above referenced claims to a water right. A claim to a water right is filed by a water user that is developing a right by diversion and beneficial use under the constitutional method. Thus, the documents filed by Idaho Fish & Game Department merely indicate that they claim to have used the water in the manner as advertised since the date listed. They are not applying for an application for permit and will not receive a recorded water right from this Department as a result of their filing the claims. Thus, the Department of Water Administration does not hold a hearing when an exception is filed on a claim to a water right. The exception is merely included in the same file with the claimants documents for consideration during any future court determination. It is unlikely that the court would consider your exception unless it is filed in affidavit form with your signatures notarized. Although your letter will be included in the file in its present form, I would recommend that you follow the procedures as set forth in Section 42-225 of the Idaho Code and file your exception in affidavit form.

Enclosed please find a copy of the Water Users Handbook and Section 42-225 Idaho Code. If you have any questions concerning this matter, do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enclosures

21

Idaho Department of Water Adm.
1515 Lincoln Road.
Idaho Falls, Idaho 83401.

St. Anthony Idaho
- Oct. 17. 1973
RECEIVED

OCT 23 1973

Department of Water Administration
Eastern District Office

Dear Sirs:

We, the directors of the Fall River Irrigation Co. Ltd.
have office applications no 21-4006; 21-4007 and
21-4008 for diversion of water filed by the Idaho Fish
and game department, as we feel there isn't any
excess water to be diverted under the Henry's Fork
drainage.

Dyle B. Peterson Pres.
by Floyd Law Sec.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

~~240 South Huber Avenue~~
Idaho Falls, Idaho 83401
(208) 523-7186
1515 Lincoln Road

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

October 22, 1973

RE: Claim to a Water Right No. 21-4006, 21-4007, 21-4008

Idaho Fish & Game Department
600 South Walnut Street
P.O. Box 25
Boise, Idaho 83707

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,

NORMAN C. YOUNG
District Engineer

NCY:cw

Enc: Copies of Claims

21 4007

1515 Lincoln Road

October 11, 1973

Re: Claims to a Water Right No. 21-4006, 21-4007, 21-4008

Idaho Fish & Game Department
600 South Walnut Street
P. O. Box 25
Boise, Idaho 83707

Gentlemen:

Attached herewith is departmental receipt No. 10382 in the amount of \$30.00 for the above referenced claims which were received in this office on September 24, 1973.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Attachment

21 4007

1515 Lincoln Road

September 27, 1973

Re: Claims to a Water Right No. 21-4006 Idaho Fish & Game
No. 21-4007 Idaho Fish & Game
No. 21-4008 Idaho Fish & Game

Fremont County Chronicle News
Box 568
St. Anthony, ID 83445

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 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. 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,

NORMAN C. YOUNG
District Engineer

Bill submitted 9-28-73 by MB

NCY:mb
Enc: Legal Notices (3)

21 4007

21-4007

LEGAL -----

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R. KEITH HIGGINSON
Director

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INTER-DEPARTMENT MEMO — 1

DATE September 28, 1973

FROM Mechelle

TO Files No. 21-4006, 21-4007, 21-4008

SUBJECT Notarized

These claims to a water right were not notarized when received by our office. We kept them because Mr. Salter of the Fish & Game Department was to be here on September 27, 1973 at which time he signed them before our Notary Public, Norman C. Young.

21 4007

A handwritten signature in cursive script, appearing to read "Mechelle", is written over a horizontal line.

SIGNATURE

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propagation of fish, wildlife and aquatic plants

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*awd. B.
Cov. B.
aw-A NCF*