

**AFFIDAVIT OF
PUBLICATION**

State of Idaho }
County of Fremont }

ss.

L. B. 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 of claim to a
water right No. 21-4002

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 19

day of June, 1969,

and the last publication on the

26 day of June

1969.

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.

L. B. Hunsaker
Subscribed in my presence and

sworn to before me this 8th

day of July,

1969.

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

RECEIVED

SEP 9 1969

Department of Reclamation

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 21-4002**

Notice is hereby given that
Dennis V. Spencer, 1596 Calkins
Avenue, Idaho Falls, Idaho has
filed a claim to a water right
established by diversion and
application to beneficial use of
0.5 cubic feet per second of
water from unnamed stream tri-
butary of Timber Creek with
point of diversion in NE1/4SE1/4,
Sec. 24, T. 16 N, R. 42 E, B. M.,
Fremont County; the water is
claimed to be used from April 1
to October 31 for domestic pur-
poses with a priority of May
1969; the place of use is SE1/4-
SW1/4, Sec. 24, T. 16 N, R.
42 E, B. M.,

Any exception to this claim of
water right may be filed with the
Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

(C.N. JUNE 19, 26, 1969)

Bill submitted

9-12-69

ds

21-4002

Targhee Peak Quadrangle
Idaho-Montana

Identification No. _____

Claim No. 21-4002

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Dennis V. Spencer
post office address 1596 Calkins Ave, Idaho Falls, Idaho 83401
2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 24 Township 16 N
Range 42 E B.M. located on unnamed tributary
(name of source)
tributary to Timber Creek in Fremont 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:

May 1969 amount: 0.5 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 Gallinry period of use from April 1 to October 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (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 1 1/4" plastic pipe
_____ ; length is 3,000 feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

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 _____
_____ ;

21-4002

_____ ; if so, give dates and 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_____

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 _____

b. Do you get water through a ditch owned by several users? No 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_____

7. Where water is used for domestic or municipal purposes give number of families served _____ / _____
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_____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date) 5/21/69

Annis Spencer
(Signature of Claimant)

State of Idaho }
County of Bonneville } ss.

On this 21 day of May 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Idaho Falls, Idaho

My commission expires Feb 10, 1970

For Department Use Only

Received by <u>ej</u>	Date <u>5-22-69</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DeWitt</u>	Date <u>5-22-69</u>			
Fee received by <u>ej</u>	Date <u>5-22-69</u>	Fee \$ <u>16.00</u>		
Approved for publication by <u>D</u>				
Published in <u>Summit Co.</u>	Dates <u>6-19+26-69</u>			

Chronicle Times

+10

21-4002

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
County of Fremont

ss.

.....L. B. Hunsaker.....

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

That he is theowner.....
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 of claim to a

water right No. 21-4002

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,

for2..... consecutive is-
sues thereof; first publication

having been made on the 19

day of June, 19 69,

and the last publication on the

26 day of June

1969.

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

Subscribed in my presence and

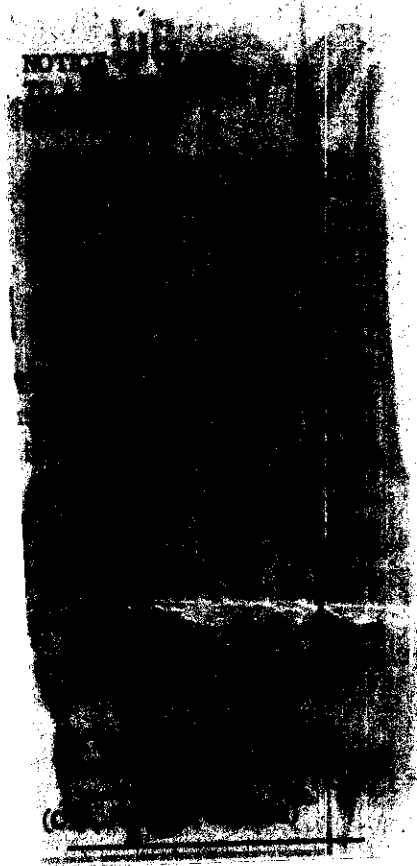
sworn to before me this 8th

day of July,

1969

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

Department of Reclamation



Bill submitted

9-12-69

dr

21-4002

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

September 12, 1969

Re: Claim to a Water Right No. 21-4002

Mr. Dennis V. Spencer
1596 Calkins Ave.
Idaho Falls, Idaho 83401

Dear Mr. Spencer:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. We have enclosed a copy of the claim for your files; please refer to the claim number if you desire to add or change information in your claim.

You should be aware that the filing of the claim completes the Department's work in processing the claim. Under Idaho Statutes, no further processing is pending at this time. Your claim will merely be filed on record with the Department until such time you or a court may be in need of the information.

Enclosed is a departmental receipt in the amount of \$10.00 covering the filing fee.

If we may be of assistance at any time, please feel free to contact the Department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Copy of claim
Receipt # 3075

21-4002

August 12, 1969

Re: Claim to A Water Right No. 21-4002-Dennis V. Spencer
Application for Permit No. 22-7020-Dean Schwendiman

Fremont County Chronicle News
St. Anthony
Idaho

Gentlemen:

As of this date we have yet to receive the affidavits of publication or the certified bills for the above referenced. As it is mandatory that we be in receipt of these items before the permit and claim can be approved, would you PLEASE forward the affidavits and certified bills by return mail.

Your immediate attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc

*Please call
9-8-69
ds*

21-4002

NOTICE OF CLAIM
TO A WATER RIGHT
No. 21-4002

Notice is hereby given that Dennis V. Spencer, 1596 Calkins Avenue, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second of water from unnamed stream tributary of Timber Creek with point of diversion in NE1/4SE1/4, Sec. 24, T. 16 N, R. 42 E, B. M., Fremont County; the water is claimed to be used from April 1 to October 31 for domestic purposes with a priority of May 1969; the place of use is SE1/4-SW1/4, Sec. 24, T. 16 N, R. 42 E, B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

(C.N. JUNE 19, 26, 1969)

DON SAMUELSON
GOVERNOR



RECEIVED
R. KEITH HIGGINSON
State Reclamation Engineer
JUN 18 1969

STATE OF IDAHO

Department of Reclamation

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

June 12, 1969

Re: Claim to A Water Right No. 21-4002
Dennis V. Spencer

Fremont County Chronicle News
St. Anthony, Idaho

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 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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:tg
Enc: legal Notice (1)

EE

21-4002

June 12, 1969

Re: Claim to A Water Right No. 21-4002
Dennis V. Spencer

Fremont County Chronicle News
St. Anthony, Idaho

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 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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:tg
Enc: legal Notice (1)

21-4002

NOTICE OF CLAIM TO A WATER RIGHT

No. 21-4002

Notice is hereby given that Dennis V. Spencer, 1596 ~~9th Street~~ ~~Calkins Avenue, Idaho Falls, Idaho~~ has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second ~~acre/foot~~/of water from unnamed stream tributary of Timber Creek with point of diversion in SE-SW, Sec. 24, T. 16 N. R. 42 E. B. M., Fremont County; the water is claimed to be used from April 1 to October 31 for domestic purposes with a priority of May 1969; the place of use is SE-SW, Sec. 24, T. 16 N, R. 42 E, B. M.,

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Fremont County Chronicle News, St. Anthony, Idaho on June 19 and June 26, 1969.

de
21-4002