

REGISTRATION
NOV 16 1970
Department of Water Administration

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 29th day of Oct., 1970, last publication having been made on the 5th day of Nov., 1970, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 6th day of Nov., 1970

Notary Public

My commission expires April 5, 1971

B10, 1M

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 25-4006

Notice is hereby given that Mrs. Mildred Schluter, Box 296, Ririe, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a spring tributary to Birch Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T. 3N, R. 41E, B.M., Bonneville County.

The water is claimed to be used from May 1 to Oct. 31 for irrigation and from Jan. 1 to Dec. 31 for domestic and stock watering purposes with a priority of 1925 the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T. 3N, R. 41E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. Keith Higginson
Director

Pub: Oct. 29, Nov. 5, 1970.

25 4006

Identification No. _____
Claim No. 25-4006
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 Mrs. Mildred Schluter
post office address Box 296 Ririe, Idaho 83443
2. The point of diversion is in N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ Section 32 Township 3N.
Range 41 E B.M. located on Spring
(name of source)
tributary to Birch Creek in Bonneville 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:

1925

amount: .04 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed .04 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 Domestic period of use from Jan 1 to Dec. 31 (both dates inclusive)
use Stock period of use from Jan 1 to Dec. 31 (both dates inclusive)
use Irrigate lawn period of use from May 1 to Oct. 31 (both dates inclusive)
garden & pasture
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 Pipe & Gate
_____; length is 4 feet; height is 2 feet;
width at bottom is 4 feet; width at top is 4 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known This is a warm spring 78⁰ emerging from the ground into a pond which was built some 75 years ago and used as a bathing pond, and later piped into a shower house through a 6" pipe.
 - 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 1500 feet; width of ditch at top is 1.6 feet; width of bottom of ditch is 1.6 feet; depth of water is .6 feet; grade of ditch per 1000 feet is 3 feet; material through which ditch passes is Pipe & Dirt; 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 15%.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Ditch is open on gravel bed for 30ft. Enters a 10" flume across Birch Creek then back to dirt ditch for 1400 ft. to edge of lawn & pasture then continues under lawn for 70ft. to 4" cement ditch that flows 6 ft. to pump on edge of lawn. After leaving pump water continues in dirt ditch 600ft. into Birch Creek.

- d. If water is stored: name of reservoir _____ ;
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 No, 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 2

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

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 2 Horses

7. Where water is used for domestic or municipal purposes give number of families served 2
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
This spring was used as a community shower for 23 yr. piped into a shower house. We
also use the water for spraying weeds in the grain field. 1942 a gas moter & pump
was put in to irrigate lawn & garden, used that way until 1949 when electricity was
put in. We built a new home in 1958 then 1959 Spring was diverted to irrigate lawn
garden & small pasture on new home. Cost of cleaning & putting in the system was
approx. \$2000.00
I personally have used this spring for 35 yrs.
My Husband's parents used the spring 10 yrs. before I did.

We had planned to cement the entire ditch.

State of Idaho

County Bonneville } 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.

Sworn to before me this 14th day of September, 1970.

Mildred Schluter
Claimant

John W. Washell
Notary Public

Residing at Idaho Falls, Idaho

My commission expires June 15, 1972

10-20-70 For Department Use Only

Received by <u>kt</u>	Date <u>9-2-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DA</u>	Date <u>10-20-70</u>			
Fee received by <u>ej</u>	Date <u>10-21-70</u> Fee \$ <u>10⁰⁰</u>			
Approved for publication by <u>D</u>				
Published in <u>Idaho Falls</u>	Dates <u>10-29 & 11-05, 1970</u>			
Post Register				

25 4006

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.

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

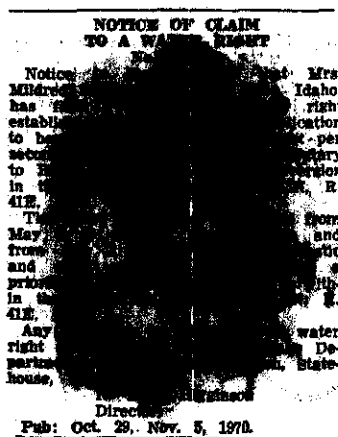
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 29th day of Oct., 1970, last publication having been made on the 5th day of Nov., 1970, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 6th day of Nov., 1970

Notary Public

My commission expires April 5, 1971

B10, 1M



25 4006

ACTION

N OWNER LAST NAME - SCHLUTER FIRST NAME - MILDRED
N ADDRESS LINE 1 - P.O. BOX 296
N CITY - RIRIE STATE - ID ZIP CODE - 83443
N SOURCE - SPRING TRIBUTARY OF - BIRCH CREEK
N STAGE - STATUTORY CLAIM PRIORITY - 06-01-1925 COUNTY - BONNEVILLE TOTAL DIV. RATE - .0400CFS
N DIVERSION POINT - NWNW 32 03N 41E
N FROM - 05-01 TO - 10-31 USE - IRRIGATION USE DIV. RATE - .0400CFS
N FROM - 01-01 TO - 12-31 USE - STOCKWATER
N FROM - 01-01 TO - 12-31 USE - DOMESTIC
N USE - IRRIGATION PLACE OF USE - TWN 03N RNG 41E SEC 32 TRACT NWNW AC 02
N NON IRRIG USE - S/2 HEAD D/2 HOMES.

IDENT. NO. 65-4006

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 25-4006
Old No. New No.

Record

1. Original Owner: Mildred Schluter

Present Owner: _____

2. Address: P.O. Box 2963. City: Ririe State: Id Zip: 834434. A. Source of Water: Spring
B. Tributary of: Birch Creek5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1925D. County: 19E. Total Diversion Rate: .04

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NW NW</u>	<u>32</u>	<u>3 N</u>	<u>4 E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 10-31 for A purposes. Amount .04
(cfs or AC-FT/yr)from 1-1 to 12-31 for S purposes. Amount _____from 1-1 to 12-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

November 19, 1970

C Re: Claim to a Water Right No. 25-4006

O Mrs. Mildred Schluter
Box 296
Kirie, Idaho 83443

Dear Mrs. Schluter:

P The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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.

Y If, at a later date, you find that you have additional information or evidence that you would like to have included in your claim file, you may add that information 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:dr
Enclosures: Copy of claim
Receipt No. 5242

25 4006

October 22, 1970

Re: Claim No. 25-4006 - Mrs. Mildred Schluter

Idaho Falls Post Register
P.O. Box 1800
Idaho Falls, Idaho 83401

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 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

Bill submitted 11-17-70 By ds

25 4006

NOTICE OF CLAIM TO A WATER RIGHT

No. 25-4006

Notice is hereby given that Mrs. Mildred Schluter, Box 296,
Ririe, Idaho,

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.04 cubic feet per second ~~acre/feet~~
of water from a spring, tributary to Birch Creek
with point of diversion in the NW~~1~~NW~~4~~ Sec. 32, T. 3N, R. 41E, B.M.,
Bonneville County

The water is claimed to be used from May 1 to Oct. 31 for irrigation
and from Jan. 1 to Dec. 31 for ~~domestic~~ domestic and stock watering purposes
with a priority of 1925;
the place of use is within the NW~~1~~NW~~4~~ Sec. 32, T. 3N, R. 41E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho,

R. KEITH HIGGINSON

Director

Published in the Idaho Falls Post Register, Idaho Falls, Idaho,
on October 29 and November 5, 1970.

K.H.

25 4006

H
October 7, 1970

C
Mrs. Mildred Schluter
Post Office Box # 296
Ririe, Idaho 83443

Dear Mrs. Schluter:

We are returning your personal check in the amount of \$10.00, and your claim to a water right, as we note that you have neglected to list the period of use for domestic and stock watering under item 3b. If this is for year-round use, we would suggest that you enter January 1 to December 31 in the appropriate spaces.

We will accept the affidavits submitted by Mr. E. Johnson, and Jack Ker. However, these affidavits do not mean much, as the signatures are not notarized.

P
As soon as you have made the necessary corrections, and have re-submitted the claim, we shall begin its processing.

If we may be of any further assistance in this matter, please advise.

Very truly yours,

Y
Dorian Clay
Appropriation Examiner

DC:cm

Enc: personal check in the amount of \$10.00
original claim to a water right
affidavit from E. Bud Johnson, and Jack Ker

25 4006

Sept. 18 - 1978 .
Pine, Idaho

Department of Reclamation

I am sending 2 statements from
my neighbors. They are in harvest &
couldn't take time to have them
notarized. If you find they won't
be good this way. You will have to
hold up my filing till they get their
crops in.

Thank you
Mrs Mildred Schluter

RECEIVED

SEP 25 1978

Department of Water Administration

Ririe, Idaho.
September, 16, 1970.

DEPARTMENT OF WATER ADMINISTRATION
SEP 21 1970

To whom it may concern;

I, E, Bud Johnson, do hereby certify that I am familiar with a certain spring, located in Bonneville county, easterly from the Mrs. John Schluter ranch residence near Birch creek. That the Schluter families have used this spring for garden, lawn and domestic use for the past thirty five years to my knowledge, Which I have Observed.

Signed; *E. Bud Johnson*

On this 19 th day of October, before me, Blaine J Rowan, a Notary Public for the State of Idaho personally appeared E. Bud Johnson known to me to be the person whose name is subscribed to the foregoing.

Blaine J Rowan
Blaine J Rowan

My commission expires

12-1971

RECEIVED

SEP 21 1970

Department of Water Administration

ROWAN INSURANCE AGENCY

205 EAST FREMONT

RIGBY, IDAHO 83442

Telephone: 745-6677

10-19-70

RECEIVED
30-20 1970
Department of Water Administration

To whom it may concern:

I, Blaine J. Rowan, do hereby certify that I am familiar with a certain spring, located in Bonneville County, east of the residence of Mrs. John (Mildred) Schluter on Birch Creek, south east of Ririe, Idaho.

The Schluter families have used this spring for garden, lawn and domestic use since 1941 that I know of.

Yours very truly,

Blaine J. Rowan
Blaine J. Rowan

On this 19th day of October 1970, personally appeared before me, a notary public for the State of Idaho, Blaine J. Rowan, known to be the person whose name is subscribed to the foregoing.

Oscar K. Jones
Notary Public

My commission expires - 6-1-72

Representing HARTFORD FIRE INSURANCE COMPANY and HARTFORD ACCIDENT AND INDEMNITY COMPANY of



THE HARTFORD INSURANCE GROUP

HARTFORD PLAZA, HARTFORD, CONNECTICUT 06115

25 4006

REC-111
Kirie, Idaho

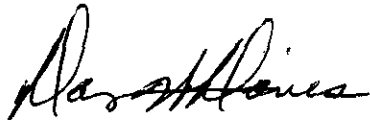
Oct. 15, 1970

to whom it my concern;

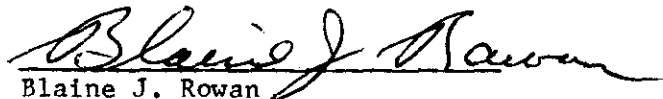
I Dan W. Davis, do hereby certify that I am familiar with a certain spring, located in Bonneville county, east of the residence of Mrs. John (Mildred) Schluter ranch residence on BirchCreek. Which is south east of Kirie, Idaho.

The Schluter families have used this spring for garden, lawn and domestic use for the past thirty five years to my knowledge.

signed:



~~XXXXXX~~ On this 15th day of October 1970, before me, Blaine J. Rowan, a Notary Public for the State of Idaho personally appeared Dan W. Davis known to me to be the person whose name is subscribed to the foregoing.


Blaine J. Rowan

My commission expires

1-12-1971

25 4006