

16

Phase of use

Point of diversion

TIN

R9EB-M

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.

State of Idaho

County of

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 12<sup>th</sup> day of

Notary Public

Residing at

My commission expires May 10, 1975

Rec'd # 15859

For Department Use Only

Received by R. W. H. ex Date \_\_\_\_\_

Date \_\_\_\_\_

7-18-74

Exception filed by:

Forwarded to

Date \_\_\_\_\_

Prelim. check by RW-H Date 1/1

Date \_\_\_\_\_

7-18-71

\$10.00 fee received by li ( ) Date

Date \_\_\_\_\_

7-15-74

Approved for publication by *Ca 8-*

Published in *Mt. Home News*

Dates 7-25<sup>th</sup> 8-1-74

**NOTICE OF CLAIM TO A  
WATER RIGHT  
No. 63-4270**

Notice is hereby given that Douglas A. Schrank & Leo Berry Box 486, Wendell, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .04 cubic feet per second of water from unnamed spring, trib. to Fall Creek with the point of diversion in the SE 1/4 NE 1/4, Sec. 16, T. 1 N, R. 9 E, B.M., Elmore County.

The water is claimed to be used from April 1 to Dec. 31 for domestic use with a priority of June, 1970; the place of use is within the NE 1/4 NE 1/4, Sec. 16, T. 1 N, R. 9 E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

**R. KEITH HIGGINSON**  
Director

Published in the Mountain Home News, Mountain Home, Idaho on July 25, 1974 and Aug. 1, 1974.

*OK  
8-5-74  
cu*

RECEIVED

AUG 5 1974

Department of Water Resources

**Affidavit of Publication**

County of Elmore }  
STATE OF IDAHO } ss.

I, *Lloyd S. Waters* do solemnly swear that I am the foreman, or publisher of the

**MOUNTAIN HOME NEWS**

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

.....*2*..... consecutive weeks, the first publica-

tion having been made on the ...*25*... day

of ...*July*....., 19*74*, and

the last publication having been made on the

.....*1*..... day of ...*August*...

19..*74*..; every Thursday issue of the paper

during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

*Lloyd S. Waters*

Subscribed and sworn to me this ...*1*.....

day of ...*August*....., 19..*74*..

*Vivian M. Waters*

Notary Public

**MICROFILMED**

*63-4270*

**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 Douglas A. Schrank & Leo Berry  
(name of claimant)  
of Box 486, Wendell, Idaho claims a right to the diversion and beneficial use of  
(mailing address)  
ground water or surface water tributary to Fall Creek :

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed spring

- (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>.04</u>           | Use | <u>Domestic</u>               | Period of Use: | From | <u>April 1</u> | To | <u>Dec. 31</u>         |
| Amount |                      | Use |                               | Period of Use: | From |                | To |                        |
| Amount |                      | Use |                               | Period of Use: | From |                | To |                        |
|        | (cfs, gpm<br>or a/f) |     | (dom., irri.,<br>stock, etc.) |                |      |                |    | (both dates inclusive) |

- (3) Total quantity of water claimed: .04 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June, 1970

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)  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 16 Twp. 1 N Rge. 9 E B.M. County of Elmore

**Additional points of diversion:** \_\_\_\_\_

- 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. Hose from spring to storage tank,  
gravity line to cabin

- (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.

[illegible]

Total No. of acres \_\_\_\_\_

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_  
Domestic for 1 home

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

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[View all posts by Dr. David M. Williams](#)

⑩ Place of use  
⑪ Point of diversion

16

TIN

R9EBM

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.

County of Reading SS.

and that the matters and facts therein are true to the best of

*Raymond Schram*  
*Leo R. Berry*  
(Claimant)

*July*

Residing at Wendell Idaho

Rec'd # 15759

Received by R.W.H. - ej Date 7-11-74 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by RW-H Date 7-18-74 claimant by: \_\_\_\_\_  
\$10.00 fee received by ej Date 7-18-74  
Approved for publication by ca 8-5-74  
Published in Min. Home News  
Dates 7-25, 8-1-74 SD

Aug 5 1974

Department of Water Resources

## Affidavit of Publication

County of Elmore }  
STATE OF IDAHO } ss.

I, *Lloyd S. Waters* do  
solemnly swear that I am the foreman, or  
publisher of the

### MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,  
published once a week at MOUNTAIN HOME,  
IDAHO, that the notice attached hereto and  
which is a part of the proof of publication  
thereof, was published in said newspaper for

.....*2*..... consecutive weeks, the first publica-

tion having been made on the ...*25*... day

of ...*July*....., 19*74*, and

the last publication having been made on the

.....*1*..... day of ...*August*...

19..*74*..; every Thursday issue of the paper

during the period and time of publication and  
that the notice was published in the newspaper  
proper and not in a supplement thereof.

And I further swear that the said MOUN-  
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uninterruptedly published in said Elmore County  
during a period of 78 consecutive weeks prior  
to the first publication of the attached notice.

*Lloyd S. Waters*

Subscribed and sworn to me this ...*1*.....

day of ...*August*....., 19..*74*

*Vernon M. Waters*  
Notary Public

MICROFILMED

63-4276

OK  
8-5-74  
CU



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

July 18, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

KEVIN &/OR SANDRA DAVIS  
2248 KENMERE  
MERIDIAN ID 83642

RECEIVED

JUL 22 1997

Department of Water Resources

**RE: APPLICATION FOR PERMIT FOR A SPRING NEAR FALL CREEK**

Dear Applicants:

Enclosed please find your recent application for permit regarding a spring tributary to Fall Creek. Permit applications are used to establish new water rights.

However, in your case it appears that the spring development for a single home is already recorded as water right no. 63-04270. This is currently evidenced by the appropriate Snake River Basin Adjudication claim no. A63-04270 (see attached computer reports).

The new application appears to duplicate the above referenced older right. Unless you intend to develop a new spring and/or serve another home, the application serves no purpose.

If you do want to pursue new development of some sort, please contact me to discuss the details. In that case, the next step for you to take regarding water right protection can be determined.

Sincerely,

Steve Lester  
Water Rights Supervisor

Enclosure

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**  
**WESTERN DISTRICT OFFICE**



Cecil D. Andrus  
*Governor*  
R. Keith Higginson  
*Director*

614 State Street  
Statehouse - Annex 2  
Boise, Idaho 83707  
(208) 384-2190

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

August 13, 1974

Douglas A. Schrank & Leo Berry  
Box 486  
Wendell, ID 83355

Re: Claim to a Water Right No. 63-4270

Dear Sirs:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 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.

Sincerely,

KENNETH H. FOIT, P. E.  
Western District Engineer

KHF:cla

Enclosure

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STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Statehouse - Annex 2  
Boise, Idaho 83707  
(208) 384-2215  
Western District Office



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

July 19, 1974

Mountain Home News  
P. O. Drawer 0  
Mountain Home, Idaho 83647

Re: Claim to a Water Right No. 63-4270 Douglas A. Schrank & Leo Berry  
Application for Permit No. 63-8007 - Magic West, Inc.  
02-7152 - Bennett Mountain Irrigation Company

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)

Sincerely,

Bill submitted  
8-5-74  
ca

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4270

Notice is hereby given that Douglas A. Schrank & Leo Barry  
Box 486, Wendell, Idaho  
has filed a claim to a water right established by diversion and application  
to beneficial use of .04 cubic feet per second ~~amount~~ of water  
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Elmore County.

The water is claimed to be used from April 1 to Dec. 31 for  
domestic use  
with a priority of June, 1970  
the place of use is within the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 16, T. 1 N, R. 9 E, B.M.

Any exception to this claim of water right may be filed with the Idaho  
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON  
Director

Published in the Mountain Home News, Mountain Home, Idaho  
on July 25, 1974 and Aug. 1, 1974.

**MICROFILMED**

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**  
**WESTERN DISTRICT OFFICE**



Cecil D. Andrus  
*Governor*  
R. Keith Higginson  
*Director*

614 State Street  
Statehouse — Annex 2  
Boise, Idaho 83707  
(208) 384-2190

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

July 18, 1974

Mr. L. R. Berry  
Box 486  
Wendell, ID 83355

Dear Mr. Berry

Enclosed is your Receipt No. 15859 in the amount of \$ 10.00 for

~~Claim to a Water Right No. 63-4270~~ which was received in this office

on July 18, 1974.

Sincerely,

DEANNA E. FELDT  
Secretary

DEF:d

Enclosure

**MICROFILMED**

63-4270