

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 FRANCIS M. CARTER
(Name of Claimant)
3632 Overland Avenue, Burley, ID 83318 Telephone No. 678-7824
(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) 1943

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)
ground water tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

903 gpd = 0.02 cfs
(cfs, gpd, AFA) (Domestic, Irrigation, Stock, Etc.) (Both dates inclusive) (Mo., Day) (Mo., Day)
Quantity 13,000 gpd Use domestic, stock Period of Use From Jan. 1 To Dec. 31
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) 13,000 gpd TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 32 Twp. 10 S Rge. 23 E B.M., County of Cassia
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. Describe any changes in the system and give the date of the change. pump, well, and pressure system

(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	
<u>10S</u>	<u>23E</u>	<u>32</u>															<u>X</u>		

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
drinking water, watering lawns, shrubs, etc., and all livestock
on premises.

NOTE: Include here the type and number of stock watered: 150 hd Beef Cattle
If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks _____

TWP 10S, Rge 23 E BM

A grid map with a 10x10 grid of squares. The grid is divided into four 5x5 quadrants by a central vertical and horizontal line. The grid lines are solid, while the internal grid lines are dashed. Three points are marked with numbers: 31 is in the second column from the left, fifth row from the top; 32 is in the fourth column from the left, fifth row from the top; 33 is in the sixth column from the left, fifth row from the top. Handwritten notes are present: 'SW 1/4 SEC 4 PL' is written in the fourth column, sixth row; 'Well' is written in the fourth column, seventh row.

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)
) ss.
County of Cassia)

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 affiant's knowledge.

Francis M. Carter
(Claimant)

Sworn to before me this 9th day of March, 19 83

Notary Public
Residing at Burley, Idaho

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by macya Date 3/10/83 Exception filed by: _____ Forwarded to _____ Date _____
 Prepaid check by _____ Date _____ claimant by: _____
 \$20.00 fee received by macya Date 3/10/83 36072
 Returned in South id from _____
 Fees 5/5 + 5/12/83 _____

BEDKE & WHIPPLE
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 240
111 WEST 15th STREET
BURLEY, IDAHO 83318

HERMAN E. BEDKE
DOUGLAS R. WHIPPLE

AREA CODE 208
TELEPHONE 678-5574

March 18, 1983

Mr. Gary L. Funderburg
Sr. Water Resources Agent
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

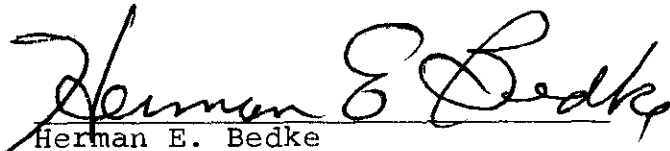
Re: Claims to a Water Right - Francis M. Carter

Dear Mr. Funderburg

I have enclosed the three claims with the map on each claim under Item #8 as per your letter of March 15, 1983.

I have also enclosed the check in the amount of \$90.00 for the filing fee.

Yours truly


Herman E. Bedke

HEB:jm

Enclosures

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SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

STATE OF IDAHO) ss.

Mary Summers, being first

duly sworn, deposes and says that she is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for Two consecutive weeks, commencing with the issue dated May 5th 1983, and ending

with the issue dated May 12th, 1983

Mary Summers

Subscribed and sworn to before me

this 18th day of May

1983.

Kenneth M. Dunn Notary Public

Cost of Publication \$50.70

Notary Fee

Total Cost

RECEIVED

MAY 19 1983

Department of Water Resources
Southern District Office

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83-112

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:

45-4175

MONTGOMERY, GEORGE & L or ARLO

ALBION, ID 81112

Source: SUMMIT CREEK trib. to HOWELL CREEK

Priority Date: 03/15/1898

Diversion Pt: NESE Sec 09 T 12S R 25E

Use: IRRIGATION (2.40 CFS)

In: SENE SWNW SENW Sec 09 T 12S R 25E for 120

Acres

45-4174

CARTER, FRANCIS M.

3625 OVERLAND AVE., BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 01/01/1967

Diversion Pt: SWSW Sec 11 T 12S R 21E

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.02 CFS)

In: NESW SWSW NWSE Sec 11 T 12S R 21E

45-4173

CARTER, FRANCIS M.

3632 OVERLAND AVE., BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 01/01/1960

Diversion Pt: SESW Sec 32 T 10S R 23E

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.02 CFS)

In: SESW Sec 32 T 10S R 23E

45-4172

CARTER, FRANCIS M.

3632 OVERLAND AVE., BURLEY ID 83318

Source: GROUNDWATER

Priority Date: 01/01/1943

Diversion Pt: SWSE Sec 32 T 10S R 23E

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.02 CFS)

In: SWSE Sec 32 T 10S R 23E

45-4149

WHITAKER, DENTON (DENTY) & / or CLETA

MALTA, ID 83342

Source: GROUNDWATER

Priority Date: 03/15/1955

Diversion Pt: NWSW SWNW Sec 08 T 14S R 27E

Use: IRRIGATION (2.40 CFS)

In: NESW NWSW SWNW SWSE Sec 08 T

14S R 27E for 100 Acres

43-4150

WARD, HAROLD OLEN & / or LOBRAYNE B.

7209 KINGSTON DR., BOISE, ID 83704

Source: CIRCLE CREEK trib. to RAFT RIVER

Priority Date: 03/15/1882

Diversion Pt: SESW Sec 12 T 16S R 24E

Use: IRRIGATION (3.00 CFS)

In: NENE SWNE SENE Sec 12 T 16S R 24E NWNW

SWNW Sec 07 T 16S R 25E for 140 Acres

43-4151

UDY, LANCE

STAR RT., MALTA, ID 83342

Source: GROUNDWATER

Priority Date: 04/01/1954

Diversion Pt: SENW Sec 24 T 16S R 26E

Use: IRRIGATION (1.44 CFS)

In: NENE SWNE SENE SESW NESE NWSE SWSE Sec

12 T 16S R 26E NWNE NENE NWNW Sec 24 T 16S R

26E Lot 04 (NWSW) Sec 18 T 16S R 27E for 477

Acres

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

/s/ A. Kenneth Dunn
Director

Published in the South Idaho Press on May 5 and 12, 1983.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3579

23

MAY 15 1983

FRANCIS M. CARTER
3632 OVERLAND AVE.
BURLEY

ID 83318

RE: Claim No. 45-4172

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,

Allen D. Merritt

ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

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CARTER, FRANCIS M.

3632 OVERLAND AVE., BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 01/01/1943

Diversion Pt: SWSE Sec 32 T 10S R 23E

Use: STOCKWATER	(0.02 CFS)
DOMESTIC	(0.02 CFS)

In: SWSE Sec 32 T 10S R 23E

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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, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 5/5 & 5/12/83.

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STATE OF IDAH
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 26, 1983

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 23, 1983.

Yours truly,

Mary A. Newby
Secretary

Encl.

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