

45-04042

Identification No. _____
Claim No. 45-4042
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 CHARLES LIND
post office address Declo, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 22 Township 10 South
Range 24 E. B.M. located on See #9
(name of source)
tributary to Cassia Co. in Cassia Co. 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: April, 1962 35" or
amount: .7 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 irrigation period of use from April 1st to Oct. 31st (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 earthfilled dam
_____ ; length is _____ 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 _____
_____ ;

45-4042

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 _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; 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 _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

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 _____, 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:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10 S.	24	22							X										22 acres
"	"	"														X			13 acres

Total number of acres to be irrigated 35

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 _____

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
The water to which this claimant has a claim does arise on springs and seepage in the NE 1/4 of Section 22, Township 10 S., Range 24 E.B.M. and in the SE 1/4 of NW 1/4 of Section 22, Township 10 S., Range 24 E.B.M. and in the NE 1/4 of SW 1/4 of Section 22, Township 10 S., Range 24 E.B.M. That the water runs from the above described properties to ditches which have been formed by the run-off from the above described lands and this claimant and his predecessors have built a dam where the 2 ditches come together and have used the water for approximately 10 years, on 35 acres of ground. This claimant has used said water without interference from any other source.

State of Idaho }
County of Cassia } 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 24 day of January, 1972.

Charles Lind
Claimant
James H. Foster
Notary Public
Residing at Burley, Idaho

My commission expires May 12, 1974

For Department Use Only			
Received by	Date	Exception filed by:	Forwarded to claimant by:
<u>Wef</u>	<u>12-13-72</u>		
Prelim. check by	Date <u>12-18-72</u>		
Fee received by	Date <u>12-18-72</u> Fee \$ <u>10.00</u>		
Approved for publication by			
Published in <u>South Idaho Press</u>	Dates <u>1-16 & 1-23-73</u>		

45-4042

44-107-57

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:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
	Total claimed:		1.2 c.f.s. or	_____	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.

RECEIVED

DEC 27 1972

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

December 26, 1972

Department of Water Administration
Southern District Office
ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

AREA CODE 208
TELEPHONE 678-5574

Mr. Bob Haynes
Department of Water Administration
1041 Blue Lakes Blvd. No.
Twin Falls, Idaho 83301

Re: Claim No. 45-4042
Charles Lind

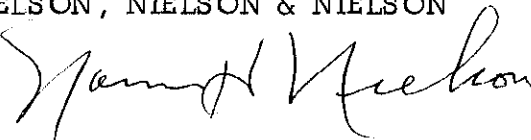
Dear Mr. Haynes:

In regard to the above claim on behalf of Mr. Charles Lind, the water which Mr. Lind is claiming does come from springs and seepage water located in the NE $\frac{1}{4}$ of Section 22, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, all in Township 10 South, Range 24 East Boise Meridian, and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Township 10 South, Range 24 East Boise Meridian.

Very truly yours,

NIELSON, NIELSON & NIELSON

By:



NHN:mm

45-4042

RECEIVED

JAN 26 1973

Department of Water Administration
Southern District Office

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Keith Chambers, being first

duly sworn, deposes and says that he is the
Bookkeeper of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for 2

consecutive weeks, commencing with the issue

dated January 16 1973, and ending

with the issue dated January 23, 1973...

Keith Chambers

Subscribed and sworn to before me

this 23rd day of January

1973...

Edith Roustatt Notary Public

Cost of Publication 11.52

Notary Fee

Total Cost

My commission expires October 23, 1975

73-11
NOTICE OF CLAIM TO WATER
RIGHT

NO. 45-4042

Notice is hereby given that
Charles Lind, Declo, ID has filed
a claim to a water right estab-
lished by diversion and applica-
tion to beneficial use of .7 cubic
feet per second of water from
springs and seepage water with
point of diversion in the SW 1/4-
NW 1/4, Sec. 22, T. 10S, R. 24E,
B.M., Cassia County.

The water is claimed to be
used from April 1 to Oct. 31 for
the irrigation of 35 acres with
a priority of April, 1962; the
place of use is within the SW 1/4-
NW 1/4, NW 1/4 SE 1/4, Sec. 22, T.
10S, R. 24E, B.M.

Any exception to this claim of
water right may be filed with
the Idaho Department of Water
Administration, 1041 Blue Lakes
Boulevard North, Twin Falls,
Idaho, 83301.

R. KEITH HIGGINSON

Director

Published in the South Idaho
Press, Burley, ID on Jan. 16 and
Jan. 23, 1973.

45-4042

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Charles Lind, Declo, ID, being first

duly sworn, deposes and says that he is the

owner 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 2

consecutive weeks, commencing with the issue

dated January 16, 1973, and ending

with the issue dated January 23, 1973

in the regular editions

Subscribed and sworn to before me

this 23rd day of January

1973

Edith Gustafson Notary Public

Cost of Publication 11.52

Notary Fee _____

Total Cost _____

My commission expires October 23, 1975

73-11

NOTICE OF CLAIM TO A WATER
RIGHT

NO. 45-4042

Notice is hereby given that Charles Lind, Declo, ID has filed a claim to a water right established by diversion and application to beneficial use of .7 cubic feet per second of water from springs and seepage water with point of diversion in the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 22, T. 10S, R. 24E, B.M., Cassia County.

The water is claimed to be used from April 1 to Oct. 31 for the irrigation of 35 acres with a priority of April, 1962; the place of use is within the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 10S, R. 24E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, ID on Jan. 16 and Jan. 23, 1973.

45-4042

February 5, 1973

Re: Claim No. 45-4042 - Charles Lind

Charles Lind
Declo, Idaho
83323

Dear Mr. Lind:

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 of the 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 the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

45-4042

January 4, 1973

Re: Application No. 43-7040 - Wheatland Ranch (William Rehn &/or June Rehn)
Claim No. 45-4042 - Charles Lind

South Idaho Press
Box 190
Burley, ID 83318

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,

Bob Haynes
District Engineer
Southern District

Bill submitted _____ by _____

BH:alw

Enc: Legal Notices (2)

43-4042

NOTICE OF CLAIM TO A WATER RIGHT

NO. 45-4042

Notice is hereby given that Charles Lind,

Declo, ID

has filed a claim to a water right established by diversion and application
to beneficial use of .7 cubic feet per second ~~acre feet per annum~~
of water from springs and seepage water

with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 10S, R. 24E, B.N.

Cassia County

The water is claimed to be used from April 1 to Oct. 31 for the
irrigation of 35 acres

with a priority of April, 1962 ;

the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 10S, R. 24E,
B.N.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin
Falls, Idaho, 83301.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, ID

on Jan. 16 and Jan. 23, 1973

45-4042

73.11 1-10-73

NOTICE OF CLAIM TO A WATER
RIGHT

NO. 45-4042

Notice is hereby given that Charles Lind, Declo, ID has filed a claim to a water right established by diversion and application to beneficial use of .7 cubic feet per second of water from springs and seepage water with point of diversion in the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 22, T. 10S, R. 24E, B.M., Cassia County.

The water is claimed to be used from April 1 to Oct. 31 for the irrigation of 35 acres with a priority of April, 1962; the place of use is within the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 10S, R. 24E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON
Director

Published in the South Idaho
Press, Burley, ID on Jan. 16 and
Jan. 23, 1973.

January 3, 1973

Re: Claim No. 45-4042 - Charles Lind

Charles Lind
Declo, ID
83323

Dear Mr. Lind:

Attached herewith is your Receipt No. 9134 in the amount of \$10.00 for the above referenced Claim to a Water Right which was received in our office on December 18, 1972.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

45-4042

December 20, 1972

Re: Claim No. 45-4042 - Charles Lind

Norm H. Nielson
NIELSON, NIELSON & NIELSON
P. O. Box 367
Burley, ID 83318

Dear Mr. Nielson:

In regard to the above referenced claim, the source of water is not listed under the point of diversion. It appears from the statement under remarks that the point of diversion is from springs and seepage water. Would you confirm the point of diversion's source by letter please.

It is not necessary for Mr. Lind to be responsible for the publication of notice. We advertise the legal notices as part of our processing procedure.

As soon as we receive the source of water, we will begin processing Mr. Lind's claim.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:ALW

45-4042

NIELSON, NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

December 12, 1972

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

RECEIVED

DEC 20 1972

Department of Water Administration
Southern District Office

AREA CODE 208
TELEPHONE 678-5574

Department of Water Administration
State House Annex #2
Boise, Idaho

Re: Application and Claim

Gentlemen:

Enclosed you will find a Claim to a Water Right claimed by Charles D. Lind of Declo, Idaho. Would you please file this and give the necessary notices; Mr. Lind will be responsible for any publication of notice which may be filed. Our check in the sum of \$10.00 is enclosed for filing said claim.

Also, you will find enclosed an Application for Permit in the name of Merle Clayville and our check in the amount of \$10.00 covering the filing fee for the application to appropriate public waters of the State of Idaho.

If there is any additional information you need in regard to either of these items, please let me know.

Very truly yours,

NIELSON, NIELSON & NIELSON

By: *[Signature]*

NHN:mm
Enc.

45-4042