

29 4017 P

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 N. BRUCE BEHYMER
post office address Route #1 Inkom, Idaho 83245

2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 2 Township 7S
Range 36E B.M. located on unnamed springs
(name of source)
tributary to Rapid Creek in Bannock 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:

June, 1950 amount: 0.05 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 domestic period of use from Jan. 1 to Dec. 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 N.A.
; 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 Collecting reservoir at spring head - 500 gal.

b. Underground water diverting works: is well flowing or pumped N.A.; 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 _____

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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 one
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. Water is used to irrigate up to one-half acre of lawn and garden and culinary use for one family.

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

State of Idaho

County of BENNEVILLE

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 31st day of MAY, 1972.

N. Bruce Belanger
Claimant

Notary Public

Residing at 1909 EVEREST
T-116 FAIR T-116

My commission expires 6/10/75 IDAHO FALLS, IDAHO

For Department Use Only

Received by Ba Date 5-31-72

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by NCY Date

Fee received by Ba Date 5-31-72 Fee \$ 10.00 # 7314

Approved for publication by:

Published in Alaska State Gazette (6-8715-72)

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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

RECEIVED

JUN 16 1972

Department of Water Administration
Eastern District Office

Ruth Brown

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

June 8, 1972, 19
June 15, 1972, 19
19, 19
19, 19
19, 19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Ruth Brown

Subscribed and sworn to before me this 15th

day of June, 1972

Sherly W. Mortensen

Notary Public, State of Idaho
Residence: Pocatello, Idaho

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STATE OF IDAHO }
County of Bannock } ss.

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day of June, 1972

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF CLAIM TO A WATER RIGHT

No. 129-4017

Notice is hereby given that N. Bruce Behrman, Route No. 1, Inkom, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.05 cubic feet per second of water from unnamed springs, tributary to Rapid Creek with point of diversion in the NE 1/4 SW 1/4, Sec. 2, T. 7S, R. 36E, B.M., Bannock County. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family with a priority of June, 1950. The place of use is within the NE 1/4 SW 1/4, Sec. 2, T. 7S, R. 36E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

F. Keith Higginson

Director

June 8, 15, 1972
No. 314

July 10, 1972

Re: Claim to a Water Right No. 29-4017

C N. Bruce Behymer
Route #1
Inkom, ID 83245

Dear Mr. Behymer:

O 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, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

P 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.

P 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.

Y 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:bb
Enclosure

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May 31, 1972

Re: Claim to a Water Right No. 29-4017

Mr. Hatton A. Armstrong
Route #1, Box 380
Pocatello, ID 83201

Dear Mr. Armstrong:

Pursuant to our telephone conversation of May 30, enclosed please find retyped Claim No. 29-4017. We have typed in the necessary changes, and if you agree with the information listed on the claim, please sign, have notarized and return it to this office for processing.

Thank you for your patience in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Enc: retyped claim No. 29-4017

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June 2, 1972

Re: Claim No. 29-4017 - N. Bruce Behymer

Idaho State Journal
P.O. Box 431
Pocatello, ID 83201

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 our 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,

Norman C. Young
District Engineer

NCY:BA
Enc: Legal notice

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has filed a claim to a water right established by diversion and application to
beneficial use of 0.05 cubic feet per second ~~acre feet per annum~~
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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic pur-
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with a priority of June, 1950.

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Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on June 8 and June 15, 1972.

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NCY