

Claim No. 11 4050STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Mae M. Clark
(name of claimant)
of 1526 Calle Inrique, Pleasanton, Calif., claims a right to the diversion and beneficial use of
(mailing address) 94566
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) spring (unnamed)
_____, tributary to, _____
- (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>0.02 cfs/Use</u> | <u>Domestic,</u> | Period of Use: From | <u>April 1</u> | To | <u>Nov. 1</u> | (for |
| | | <u>livestock,</u> | | | | | |
| Amount | | <u>irrigation</u> | Period of Use: From | <u>more than</u> | | <u>30 years</u> |) |
| | | <u>of garden</u> | | | | | |
| Amount | | | Period of Use: From | | To | | |
| | (cfs, gpm or a/f) | (dom., irri., stock, etc.) | | | | (both dates inclusive) | |

- (3) Total quantity of water claimed: 0.02 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) April 1919

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)
NE ¼ NE ¼, Sec. 7 Twp. 12 S Rge. 43 E B.M. County of Bear Lake
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. Small ditch and 1½ in. pipe.

- (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	
12	43	8					X												40 ac.

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

Domestic, watering stock, irrigation of garden, domestic use by 1 family; watering of range beef cattle.

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

[illegible]

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.

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.

Mae M. Clark

Mae M. Clark
By: Chris M. Carlson

Sharon P. Hotchkiss
Notary Public for Idaho
Residing at Sharon, Idaho

For Department Use Only

For Department Use Only

Received by <u>aw</u>	Date <u>7-07-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>L. J.</u>	Date <u>7/9/76</u>			
\$10.00 fee received by <u>aw</u>	Date <u>7-09-76</u>		claimant by:	
Approved for publication by <u>aw</u>	<u>8/9/76</u>	<u>#2450</u>		
Published in <u>New Yorker</u>				
Dates <u>July 15 & 22, 1976</u>				

SPECIAL POWER OF ATTORNEY

Know All Men by These Presents: That I MAE CLARK

have made, constituted, and appointed, and by these presents do make, constitute and appoint

CHRIS N. CARLSEN, of Ovid, Idaho

of Bear Lake County, Idaho, my true and lawful attorney for and in my

name, place and stead, and for my use and benefit as follows:

To sell the following described property:

TRACT I: The North Half of the Northwest Quarter of Section 8, in Township 12 South, Range 43, East of the Boise Meridian, in State of Idaho, Bear Lake County, and containing 80 acres of land.

TRACT II: The South Half of the Northwest Quarter of Sec. 8, Twp. 12 South, Range 43, East of Boise Meridian, in Bear Lake County, Idaho, and containing 80 acres of land.

and to sign, seal, execute, deliver and acknowledge such instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting unto said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the above stated premises, as fully to all intents and purposes as the signer might or could do if personally present, and hereby ratifying and confirming all that said attorney shall lawfully do or cause to be done in the above stated premises by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day of January 7, 1975

Signed, sealed and delivered in presence of

[Signature]

[Signature: Mae Clark]
Mae Clark

(Seal)

(Seal)

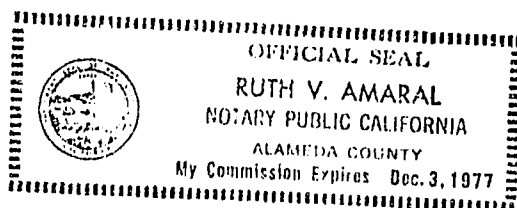
STATE OF ~~IDAHO~~ CALIFORNIA
County of Alameda } ss.

On this 7th day of January in the year 1975, before me
Ruth V. Amaral, a Notary

in and for said State, personally appeared MAE CLARK

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



[Signature: Ruth V. Amaral]
Notary Public for California
Residing at: Pleasanton, CA 94566
Comm. Expires: 12/3/77

Nº 400

RECEIVED

AUG 9 1976

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for seven consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

July 15, 1976, and ending
with the issue of July 22, 1976

Fees, 15.35

Subscribed and sworn to before me this 5th day

of August, 1976
Randa L. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979

NOTICE OF CLAIM TO A
WATER RIGHT
NO. 11-4050

Notice is hereby given that Mae M. Clark, Pleasanton, California has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an unnamed spring with point of diversion in the NE 1/4, NE 1/4, Sec. 7, T. 12S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Apr. 1 to Nov. 1 for domestic purposes for one family and stockwatering purposes and garden irrigation in connection with the household use with priority of April, 1919 the place of use is within the NW 1/4, NW 1/4, Sec. 8, T. 12S, R. 43 E, B.M. Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the News Examiner, Montpelier, Idaho on July 15 and July 22, 1976.

Jy 15 1976

August 9, 1976

RE: Claim to a Water Right No. 114050

Mae M. Clark
1526 Calle Inrique
Pleasanton, California 94566

Dear Ms. Clark:

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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

cc: Ardee Helm, Attorney

August 2, 1976

RE: Application for Permit No. 11-7093 CRANE

Claim to a Water Right No. 11-4050 CLARK

The News Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on July 15 and July 22, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

cc: IDWR - State Office

July 9, 1976

RE: Claim No. 11-4050 MAE M. CLARK

Ardee Helm, Jr.
Attorney at Law
1020 Washington Street
Montpelier, Idaho 83245

Dear Mr. Helm:

Attached herewith is departmental receipt No. 2450 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

July 9, 1976

RE: Claim to a Water Right No. 11-4050 CLARK

The News Examiner
P.O. Box 278
Montpelier, Idaho 83254

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 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 8-09-76 by CW

RDC:CW

Enc: Legal Notice (1)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4050

Notice is hereby given that Mae M. Clark,

Pleasanton, California

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~xxxxxx cubic feet per second~~

of water from an unnamed spring

with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 12S, R. 43E, B.M.,

Bear Lake County

The water is claimed to be used from Apr. 1 to Nov. 1 for domestic
purposes for one family and stockwatering purposes and garden irrigation in
connection with the household use
with a priority of April, 1919;

the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 12S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the News Examiner, Montpelier, Idaho

on July 15 and July 22, 1976

me-h
me-d.

ARDEE HELM, JR.
ATTORNEY AT LAW
1020 WASHINGTON STREET
MONTPELIER, IDAHO 83254
—
TELEPHONE 208 - 847-0805

RECEIVED

JUL 9 1976

Department of Water Resources
Eastern District Office

July 7, 1976

Idaho Department of
Water Resources
Idaho Falls, Idaho

Gentlemen:

Enclosed please find corrected Claim to a Water Right, along
with my check for \$10.00. Please process.

Yours sincerely,

Ardee Helm, Jr.

ARDEE HELM, Jr.

June 17, 1976

Mr. Ardee Helm, Jr.
Attorney at Law
1020 Washington Street
Montpelier, Idaho 83245

Dear Mr. Helm:

Enclosed please find the claim to a water right submitted on behalf of Mae M. Clark and check No. 92-112 in the amount of \$10.00. We find it necessary to return the claim for the following reasons:

Item 1, the name of the spring should be included. If the spring is unnamed please show it as unnamed.

Item 2, please show the use of the water individually. Domestic is 0.04 for a single family. The amount to be claimed for irrigation requirements is 0.02 c.f.s. per acre (0.80 for 40 acres), 0.02 is allowed for 50 head of range cattle and 0.04 for 50 head of dairy cattle. The period of use for domestic and stockwater should be entered as a fiscal year (Jan. 1 to Dec. 31), and the period of use for irrigation in this area is Apr. 1 to Nov. 1.

Item 3 should be the total of Item 2.

Item 4, the priority date listed should include the month and year that the water was first put to a beneficial use.

Item 6B, please indicate the number of families using domestic water supply and the amount and kind of livestock that is watered.

For your convenience, we have enclosed a new claim to a water form. Please complete the form and have it signed in the presence of a notary public, then return to this office with the statutory filing fee for further processing.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

BILL RHOADS
Regional Planner

BR:DW
Attachment
Enclosures

ARDEE HELM, JR.
ATTORNEY AT LAW
1020 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 208 - 847-0805

RECEIVED

JUN 17 1976

Department of Water Resources
Eastern District Office

June 15, 1976

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed please find Claim to a Water Right, filed by
Chris N. Carlsen on behalf of Mae Clark.

Also enclosed is my check in the amount of \$10.00 for
the filing fee.

If you need further information, please contact my office.

Yours sincerely,

Ardee Helm, Jr.
ARDEE HELM, Jr. *ph*

AH:sh
Enc

RECEIVED

AUG 8 1976

Department of Water Resources

August 2, 1976

file
RE: Application for Permit No. 11-7093 CRANE
Claim to a Water Right No. 11-4050 CLARK

The News Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on July 15 and July 22, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

October 5, 1987

RE: Claim to a Water Right No. 11-4050

Mae M. Clark
1526 Calle Inrique
Pleasanton, CA 94566

Dear Ms. Clark:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department---Corrections.--

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

Enclosure

October 5, 1987

RE: Claim to a Water Right No. 11-4050 MAE CLARK

Stan & Betty Harding
Star Route, Box 684
Frazier Park, CA 93225

Dear Mr. & Mrs. Harding:

We have received the exception dated September 18, 1987, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department---Corrections.--

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

IN THE MATTER OF:
Claim to a Water Right No.
11-4050

State of Idaho
County of _____

RECEIVED
OCT 07 1987

RECEIVED
SEP 24 1987
Department of Water Resources
Eastern District Office

Department of Water Resources

STANLEY & BETTY HARDING being first duly sworn,

deposes and says: with this letter we would like to file an exception to
claim #11-4050 for water rights located on our property in Bear Lake County
Idaho. Legal description of property is :B. L. Ranchettes Par 60 SWNEN-10 Ac.

We purchased subject property in the summer of 1974.

We were advised in June or July of 1981/82 By Mrs Chris Carlsen that her
Son Roger Carlsen had filed for water rights on the spring located on our
property. Within a few weeks a back-hoe arrived on our property and
proceeded to make a mess by knocking down trees and digging into the spring.
Some gravel was also dumped. To the best of our knowledge and that of our
many neighbors, they have not been back, and they have never used the water.
We have since learned that Mrs Carlsens statement to us was incorrect.

Her husband Chris Carlsen had filed the claim in the name of Mae M. Clark.

We believe this is Mrs. Carlsens maiden name.

We are of the opinion that they have relinquished any right they may have had
by none use. We would like to develop the Spring for our own use.

We feel it is wrong for us to have to haul water when there is water on
our own land.

If we can answer any questions in regard to our claim, please do not
hesitate to contact us.

Mr & Mrs. Stanley R. Harding

1325 Pine Tree Drive

Star Rt. Box 8012
Frazier Park, Calif. 93225

Betty A. Harding
(Signature)

Subscribed and sworn to before me this 18th day of September, 1987.



Forest Ann Sjoberg
(Notary Public)

Residing at 3400 Mt. Pinos Way, Frazier Park, CA. 93225
My Commission Expires MAY 27, 1991