

Claim No. 11 4051

STATE 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 William B. Crane (name of claimant)

of Star Route #2, Montpelier, ID 83254, claims a right to the diversion and beneficial use of
(mailing address)

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) Little Three Mile Canyon
Creek, tributary to, sinks

- (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 3.52 Use irrigation Period of Use: From Apr. 15 To Oct. 15

Amount 0.02 Use stockwater Period of Use: From Jan. 1 To Dec. 31

Amount Use Period of Use: From To
(cfs, gpm (dom., irri., (both dates inclusive)
or a/f stock, etc.)

- (3) Total quantity of water claimed: 3.54 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) 1962

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)
SW ¼ NE ¼, Sec. 28 Twp. 11S Rge. 44E 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. Headgates, Dirt and canvas dams, wing dams and lateral ditches all along creek with SW $\frac{1}{4}$, NE $\frac{1}{4}$

- (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]

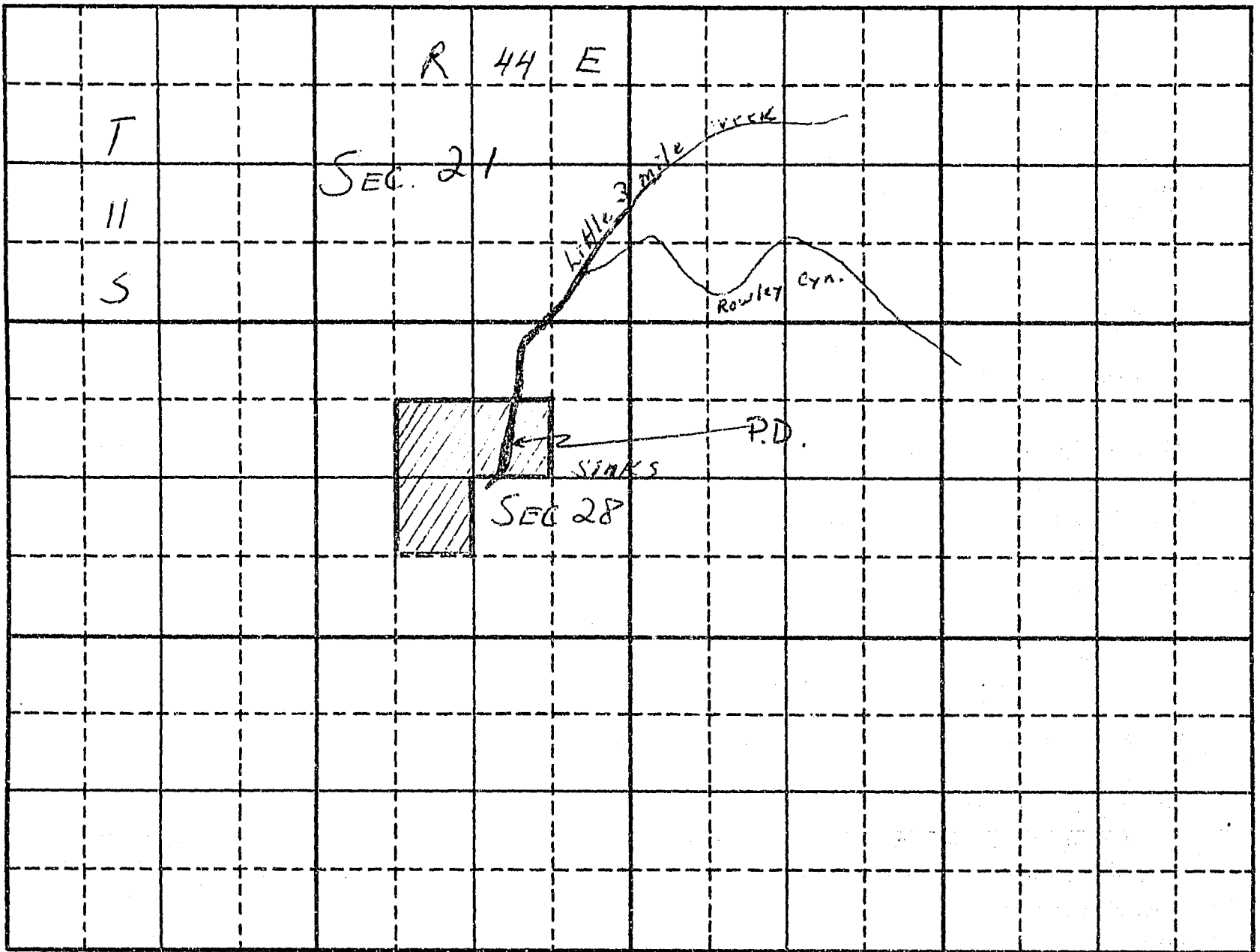
Total No. of acres 120

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

Stockwater for 100 head of sheep and 50 head cattle

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

(8) Remarks _____



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 Bear Lake) 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 16 day of July, 19 76.

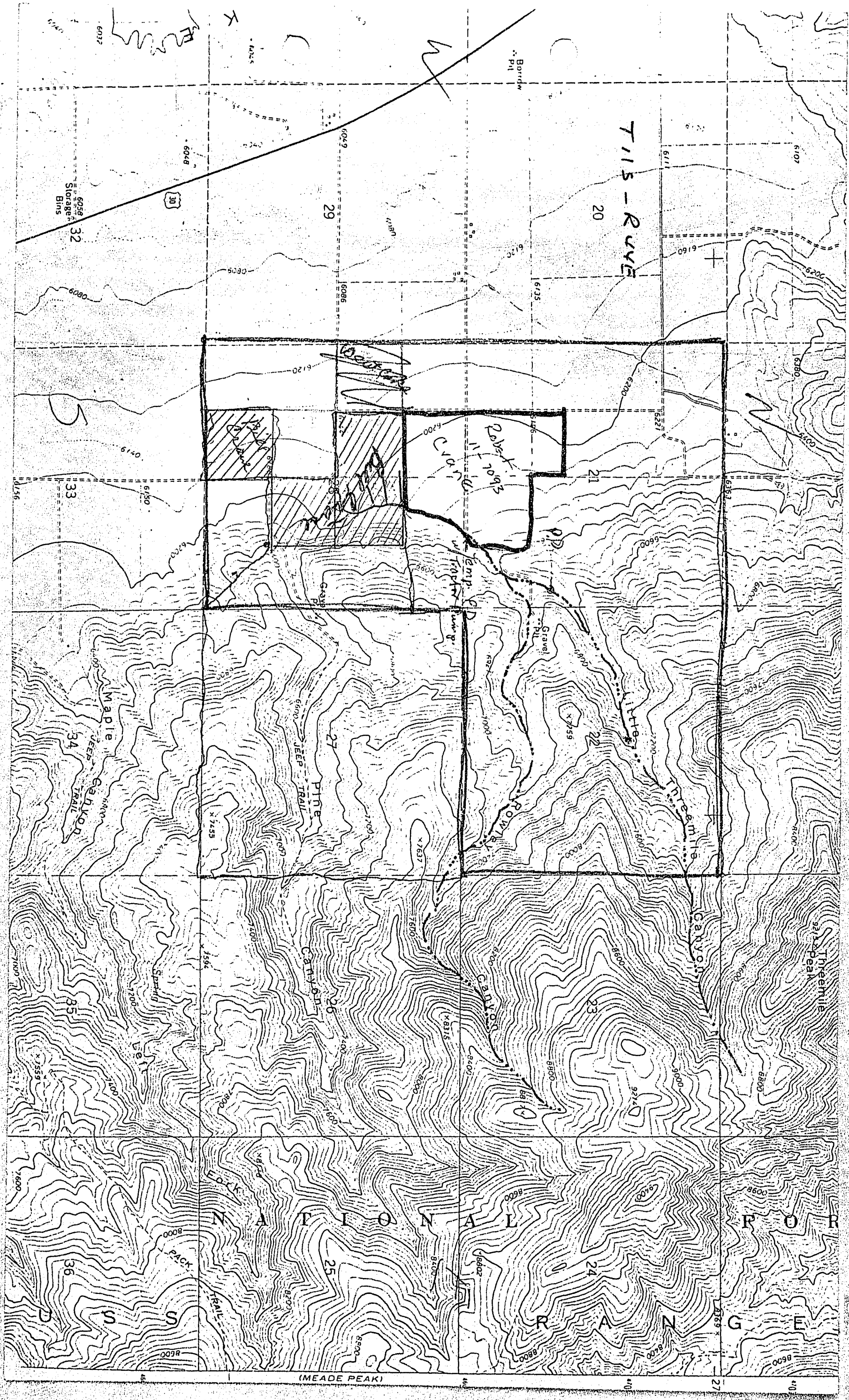
William B. Crane
(Claimant)

Ray A. Kohler
Notary Public
Residing at Montpelier

My commission expires Lifetime

For Department Use Only

Received by <u>me</u>	Date <u>7/22/76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>me</u>	Date <u>7/22/76</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>7-22-76</u>			
Approved for publication by <u>me</u>	Date <u>8/12/76</u>	<u>Robert M. Crane</u>	<u>ew</u>	<u>8-12-76</u>
Published in <u>Idaho Statesman</u>				
Dates <u>July 29 & Aug. 5, 1976</u>				



Handwritten 'X' and 'T115-RV' in the top left corner.

T115-RV

29

20

21

22

23

24

27

26

25

32

33

34

35

36

(MEADE PEAK)

Threemile
Peak

FORE
GLEN

Maple
Canyon

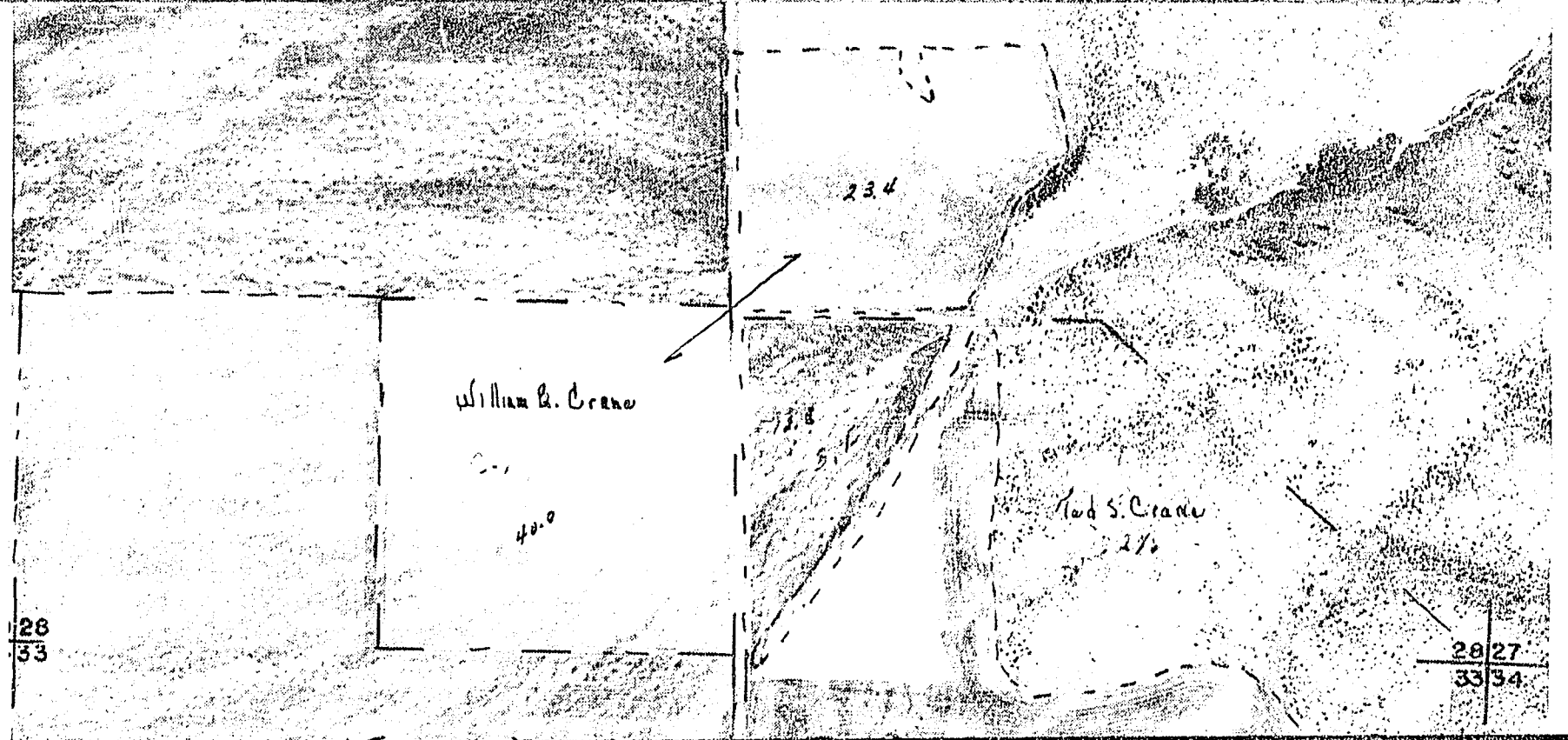
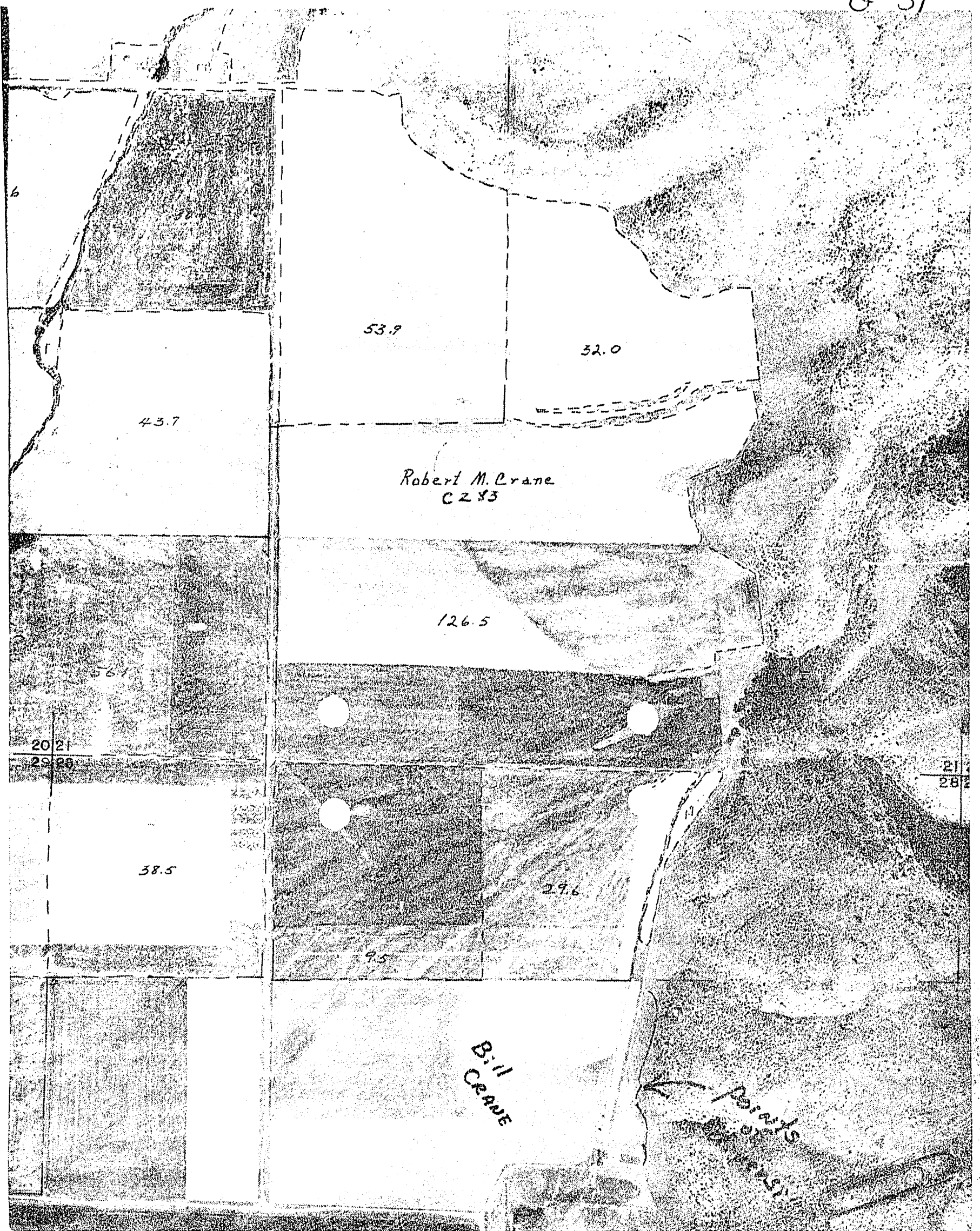
Pine
Canyon

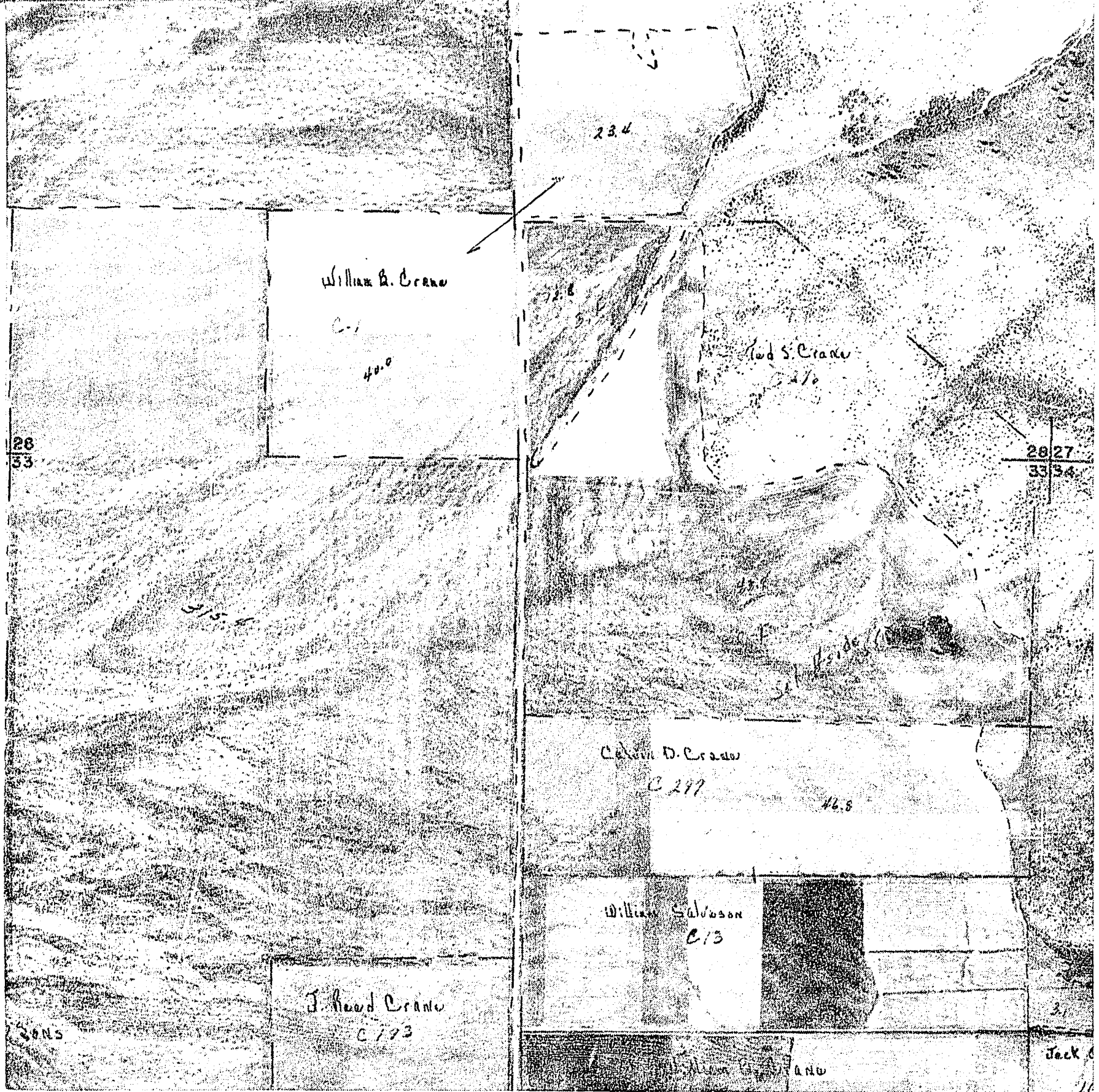
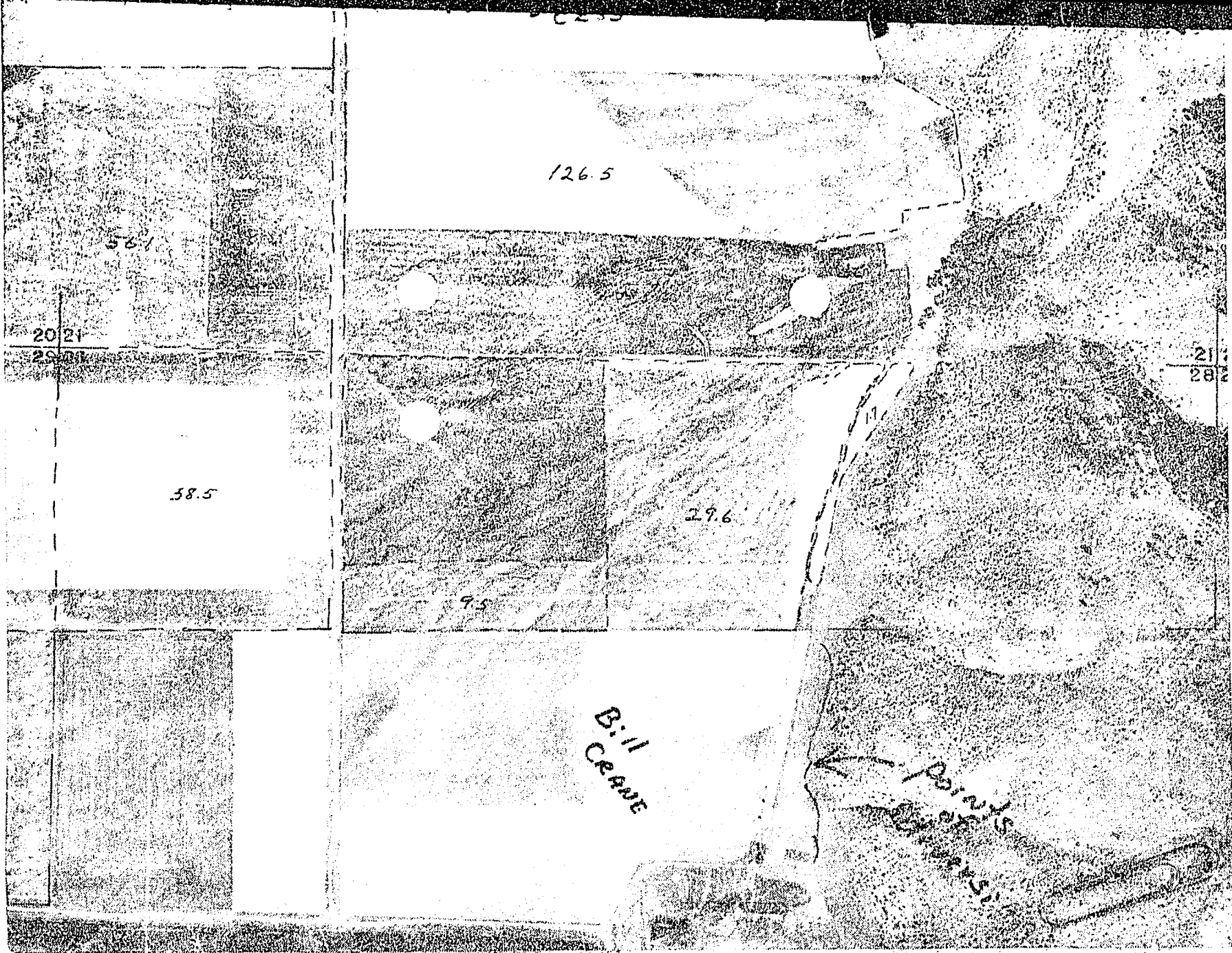
Gravel
Pit

Camp

Storage
Bins

PACK
TRAIL





Nº 422

AFFIDAVIT OF PUBLICATION

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 two 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 29, 1976, and ending
with the issue of August 5, 1976.

Fees, 14.98

Subscribed and sworn to before me this 10 day
of August, 1976.

Loren W. Thompson
Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979

RECEIVED

AUG 12 1976

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 11-4051

Notice is hereby given that William B. Crane, Montpelier, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.54 cubic feet per second of water from Little Three Mile Canyon Creek tributary to sinks with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 11S, R. 44E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 100 head of sheep and 50 head of cattle, and from Apr. 15 to Oct. 15 for the irrigation of 120 acres, with a priority of 1962 the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 11S, R. 44E, 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 29 and August 5, 1976.

Jy29-A5

RECEIVED

AUG 15 1976

Department of Water Resources
Eastern District Office

Star Route # 1
Montpelier, Idaho 83254

August 3, 1976

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

Gentlemen:

Re: Notice of Claim of
a Water right
No. 11-4051

Exception is hereby made to the cited claim of William B. Crane, as to that part thereof claiming water for irrigation of 120 acres.

His use of stock water is admitted, but there has been no irrigation of the cited lands during the last fourteen years, nor since the 1962 date claimed in said notice.

Very truly yours,

Robert M. Crane
ROBERT M. CRANE

Subscribed and sworn to before me this 3rd day of August, 1976.

Helen B. Kingsford

NOTARY PUBLIC For the State of Idaho.
Residing at Soda Springs, Idaho.
My commission expires: August 14, 1977.

July 9, 1976

Mr. William B. Crane
Star Route #2
Montpelier, Idaho 83245

Dear Mr. Crane:

Pursuant to our telephone conversation this morning, please find yours and Mr. Phelps' application for permit and two checks No. 92-286 in the amount of \$17.50 each signed by yourself and Mr. Phelps.

During our conversation you indicated you and your predecessor had been using this water for irrigation and stockwater for many years. I suggested you may wish to file a claim to a water right instead of an application for permit. Therefore, I have partially completed a claim to a water form with the exception of Item 5a, which you should describe to be within the 40-acre subdivision and the section.

Item 5b, describe the diversion works.

On the map section of this claim, Page 2, please indicate where the point of diversion is located. I have enclosed a copy of the USGS Quad map. The blue dot-dash line represents the stream out of the Little Three Mile Canyon and Rowley Canyon. From the map it shows the stream sinks in the NW¹/₄NE¹/₄, Sec. 28, T. 11S, R. 44E. Robert Crane's filing is indicated in the heavy black line and yours and Mr. Phelps in the red boundary.

It would be advisable to attach a copy of a phot map which you can get from the ASCS Office in Montpelier with your returned claim. The fee for filing a claim to a water right is \$10.00.

Please be sure you and Mr. Phelps sign before a notary public at the red checks on Page 2. If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:CW

Attachments

Enclosures

JAY A. KOHLER

ATTORNEY AT LAW
852 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 847-2499

RECEIVED

JUL 21 1976

Department of Water Resources
Eastern District Office

July 19, 1976

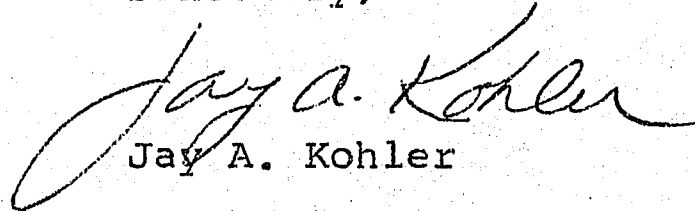
Mr. Loy H. Johnson
Senior Water Resource Agent
Department of Water Resources Eastern District
15 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Johnson,

Please find enclosed Mr. William B. Crane's Claim to a Water Right and the filing fee.

Also, Mr. William Crane is desirous of filing a protest against the granting of the permit applied for by Mr. Robert Crane. If there are standard protest forms, would you please send me a couple.

Sincerely,


Jay A. Kohler

sah

Enclosure

JAY A. KOHLER

ATTORNEY AT LAW
852 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 847-2499

RECEIVED
JUL 22 1976

Department of Water Resources
Eastern District Office

July 21, 1976

Mr. Loy H. Johnson
Senior Water Resource Agent
Department of Water Resources Eastern District
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

Re: William Crane's Claim to a Water Right

Dear Mr. Johnson:

Please find enclosed Mr. William Crane's Claim to a Water Right and my check in the amount of \$10.00 for the filing fee. These were inadvertently omitted from papers which were sent you with my letter of July 19.

Sincerely,

Jay A. Kohler

bd
encl:

July 23, 1976

C RE: Claim to a Water Right No. 11-4051 WILLIAM B. CRANE

C Jay A. Kohler
Attorney at Law
852 Washington Street
Montpelier, Idaho 83254

Dear Mr. Kohler:

P Attached herewith is departmental receipt No. 2470 in the amount of \$10.00
for the above referenced claim.

Very truly yours,

V RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4051

Notice is hereby given that William B. Crane,

Montpelier, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 3.54 cubic feet per second ~~XXXXXX~~

of water from Little Three Mile Canyon Creek tributary to sinks

with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 11S, R. 44E, B.M.,

Bear Lake County

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes for 100 head of sheep and 50 head of cattle, and from Apr. 15 to
Oct. 15 for the irrigation of 120 acres,
with a priority of 1962;

the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28,

T. 11S, R. 44E, 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 29 and August 5, 1976

*me-h.
me-C.*

WATER RIGHT (7)

WATER RIGHT

WATER RIGHT

WATER RIGHT

WATER RIGHT

WATER RIGHT

LEGAL

**NOTICE OF CLAIM TO A
WATER RIGHT**

NO. 11-4051

Notice is hereby given that William B. Crane, Montpelier, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.54 cubic feet per second of water from Little Three Mile Canyon Creek tributary to sinks with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 11S, R. 44E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 100 head of sheep and 50 head of cattle, and from Apr. 15 to Oct. 15 for the irrigation of 120 acres, with a priority of 1962 the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 11S, R. 44E, 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 29 and August 5, 1976.

Jy29-A5

July 23, 1976

RE: Claim to a Water Right No. 11-4051 CRANE

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 8-12-76 by CW

RDC:CW

Enc: Legal Notice (1)

August 17, 1976

RE: Claim to a Water Right No. 11-4051

Mr. William B. Crane
Star Route #2
Montpelier, Idaho 83254

Dear Mr. Crane:

The Department of Water Resources 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.

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:CM

Enc: Copy of Claim

August 17, 1976

RE: Claim to a Water Right No. 11-4051 WILLIAM B. CRANE

Mr. Robert M. Crane
Star Route #1
Montpelier, Idaho 83254

Dear Mr. Crane:

We have received the exception dated August 3, 1976, 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

August 17, 1976

RE: Claim to a Water Right No. 11-4051

Mr. William B. Crane
Star Route #2
Montpelier, Idaho 83254

Dear Mr. Crane:

Enclosed please find a copy of the exception filed by Robert M. Crane in connection with your Claim No. 11-4051. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

Enclosure

