

Claim No. 11 4062

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 Maxine Cutler
(name of claimant)
of 636 Williams, Montpelier, Idaho, 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) spring (no name), tributary to, none - water "subs out"
- (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 .30 cfs Use irrigate Period of Use: From May 1 To Sept. 30
Amount .10 cfs Use water stock Period of Use: From April 1 To Oct. 31
Amount .10 cfs Use cullinary Period of Use: From April 1 To Oct. 31
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: .50 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) approx. 1900

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 1/4 NE 1/4, Sec. 3 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. dam, ditch
the beneficial use is within the immediate location of spring.

- (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.

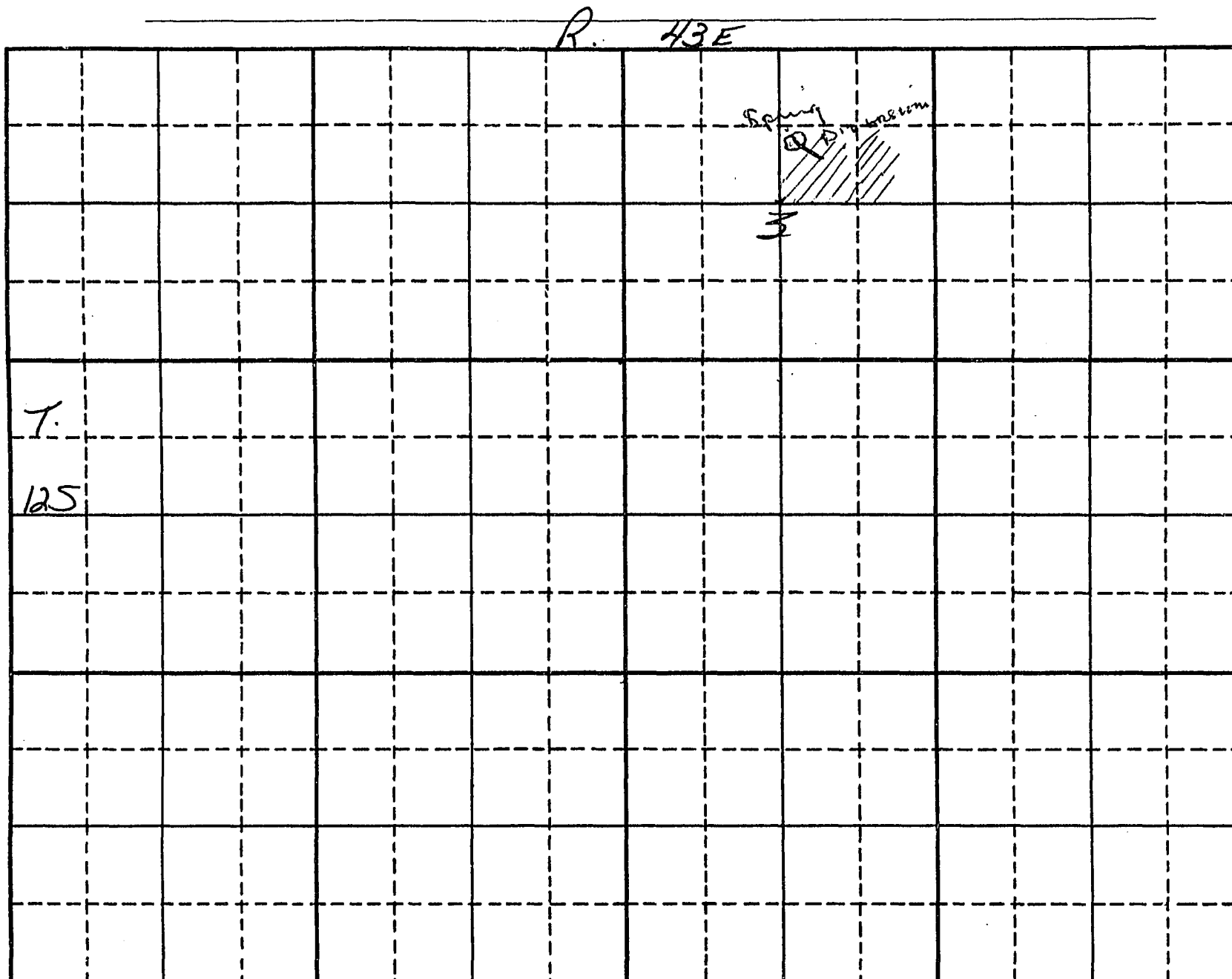
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	4E	3			X														40
12S	4E	3				X													10

Total No. of acres 50

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
a. watering 30 head livestock b. cullinary for one family

- (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 8th day of April, 19 77.

Madeline Cutler
(Claimant)

Sharon Hatcher
Notary Public
Residing at Sharon, Idaho

My commission expires lifetime

For Department Use Only

Received by <u>SW</u>	Date <u>6-29-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SW</u>	Date <u>6-30-77</u>		claimant by:	
\$10.00 fee received by <u>SW</u>	Date <u>6-30-77</u>			
Approved for publication by <u>me</u>	Date <u>8-1-77</u>			
Published in <u>Times & Express</u>				
Dates <u>July 14, 1977</u>				

Nº 687

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 7, 1977, and ending
with the issue of July 14, 1977

Fees, 15.02

Subscribed and sworn to before me this 26 day

of July, 1977
Maude L. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1977

RECEIVED

AUG 1 1977

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4062

Notice is hereby given that Maxine Cutler, Montpelier, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.50 cubic feet per second of water from unnamed spring tributary to sinks with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 3, T. 12S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Apr. 1 to Oct. 31 for domestic purposes for one family and stockwatering purposes for 30 head livestock, and from May 1 to Sept. 30 for the irrigation of 50 acres with a priority of 1900; the place of use is within the S $\frac{1}{2}$, Sec. 3, 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.

C. STEPHEN ALLRED

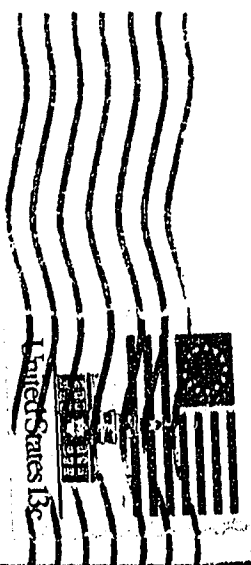
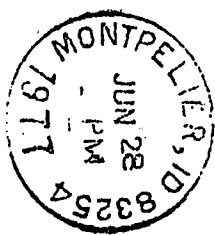
Director

Published in the News-Examiner, Montpelier, Idaho on July 7 and July 14, 1977

Jy7-14

ARDEE HELM, JR.
ATTORNEY AT LAW
484 WASHINGTON STREET
MONTPELIER, IDAHO 83254

State of Idaho
Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401



August 1, 1977

RE: Claim to a Water Right No. 11-4062

Maxine Cutler
636 Williams
Montpelier, Idaho 83254

Dear Ms. Cutler:

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:CD

Enc: Copy of claim

NOTICE OF CLAIM TO A WATER RIGHT

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Bear Lake County

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purposes for one family and stockwatering purposes for 30 head livestock,
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C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the News-Examiner, Montpelier, Idaho
on July 7 and July 14, 1977

*me-f.
me-G.*

July 1, 1977

RE: Claim to a Water Right No. 11-4062 CUTLER

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 _____ by _____

RDC:GW

Enc: Legal Notice (1)

July 5, 1977

RE: Claim to a Water Right No. 11-4062

Ms. Maxine Cutler
636 Williams
Montpelier, Idaho 83254

Dear Ms. Cutler:

Attached herewith is departmental receipt No. 8228 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:TH

Attachment
cc: Ardee Helm, Attorney



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

July 25, 1977

RE: Claim to a Water Right NO. 11-4062 CUTLER

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 application. The legal notice was to have been published in your paper on July 7 and July 14.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD