

Nº 1938

AFFIDAVIT OF PUBLICATION

APR 21 1982

STATE OF IDAHO,
County of Bear Lake

ss. Department of Water Resources
Eastern District Office

R. J. Spencer

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 *2* 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

April 1, 19*82* and ending
with the issue of *April 8*, 19*82*

Fees, *33.75*

Subscribed and sworn to before me this *20th* day
of *April*, 19*82*

Karla Jensen

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *November*, 19*85*

LEGAL NO. 1938

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

11-4214

ROBERTS, LAMAR
OVID, ID 83260

Source: BIRCH SPRINGS tributary to
SINKS

Priority Date: 03-25-1887

Amount: 0.48 CFS

Diversion Point: SWNW Sec 03 T 13S R
43E, BEAR LAKE Co.

Use: IRRIGATION (0.48 CFS) from
03-15 to 11-15

STOCKWATER (0.08 CFS) from 01-01
to 12-31

Place of Use: NWSW SWSW Sec 03 T
13S R 43E NESE SESE Sec 04 T 13S R
43E FOR 24 ACRES

Diversion Means: PUMP, PIPELINE &
RESERVOIR

11-4215

NELSON, R.K. ASSOCIATES

STAR RT. 1, MONTPELIER, ID 83254

Source: OVID CREEK tributary to
BEAR RIVER

Priority Date: 01-23-1889

Amount: 40.00 CFS

Diversion Point: NESE NWSE Sec 12 T
13S R 43E NWNE NENW Sec 13 T

13S R 43E, BEAR LAKE Co.

Use: IRRIGATION (40.00 CFS) from
03-15 to 11-15

STOCKWATER (0.08 CFS) from 01-01
to 12-31

Place of Use: NESW NWSW SWSW
SESW NESE NWSE SWSE SESE Sec
12 T 13S R 43E FOR 270 ACRES

Diversion Means: HEADGATES &
DITCHES

Any exception to any claim of water
right may be filed with the Director of
the Idaho Department of Water Re-
sources, 150 Shoup Ave., Idaho Falls,
Idaho 83402.

A. KENNETH DUNN

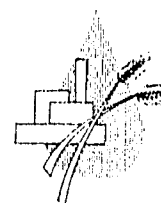
Director

4-1, 4-8-82

54 LINES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that LAMAR ROBERTS.

(Name of Claimant)

OVID, IDAHO

(Mailing Address)

83260

(Zip Code)

Telephone No. 945-2441

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) MARCH 25TH 1887

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

BIRCH SPRINGS.

tributary to

SINKS.

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.08 cfs.</u>		Use <u>STOCKWATER.</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity <u>.48 cfs.</u>		Use <u>IRRIGATION</u>		Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) .48 TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 NW 1/4, Sec. 3 Twp. 13S Rge. 43E 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. Describe any changes in the system and give the date of the change. PUMP PIPELINE AND RESERVOIR. 12' HIGH DAM.

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	43E	3									6	4							10
"	"	4												7			7		14

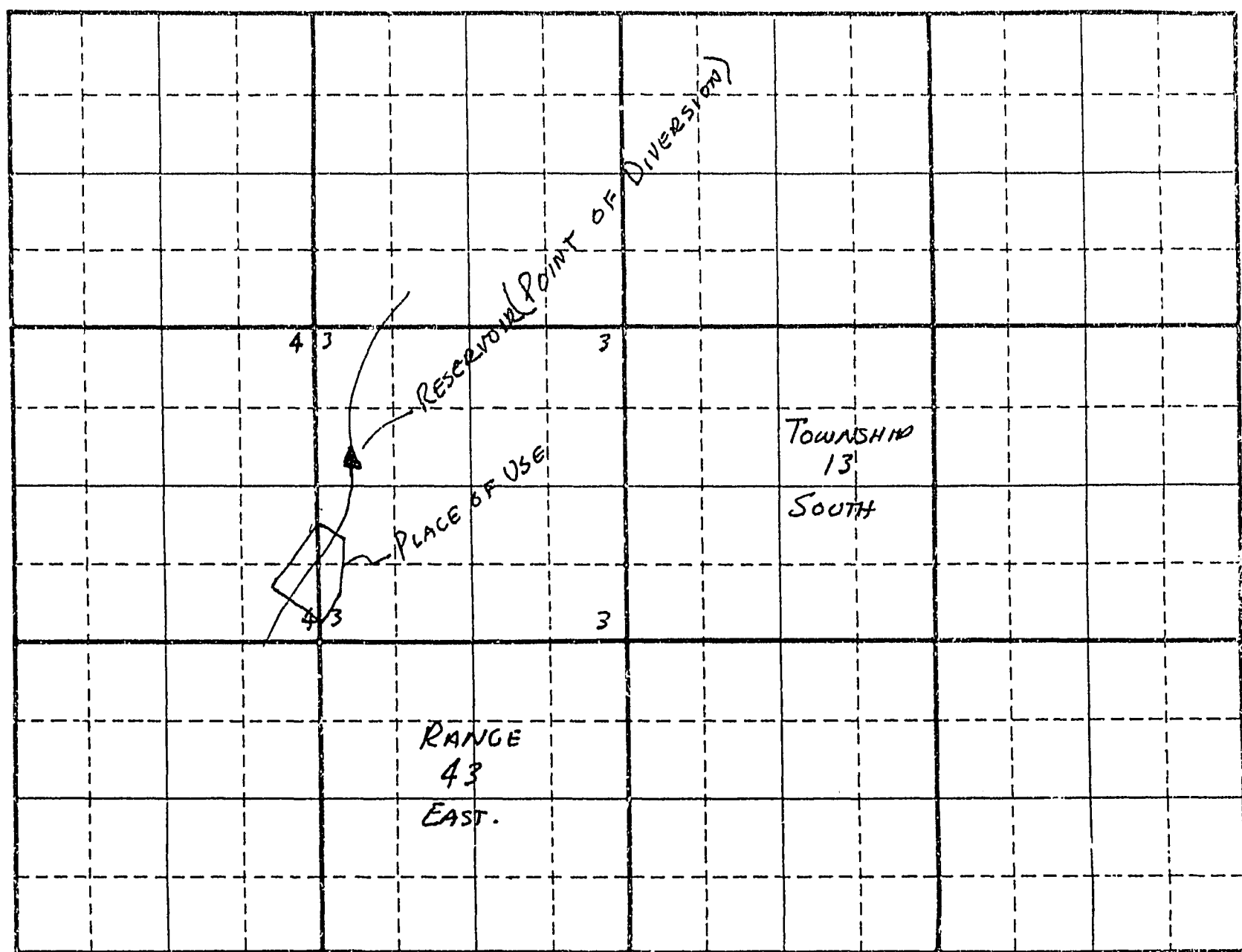
No. of acres 24

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

NOTE: Include here the type and number of stock watered: 15 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 affiant's knowledge.

La Mear Roberts
(Claimant)

Sworn to before me this 17th day of March, 19 82.

James Demmitt
Notary Public
Residing at Ovid, ID 83260

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by CU Date 3-18-82 Exception filed by: _____ Date _____
Prelim. check by HUT Date 3-22-82 claimant by: _____
\$30.00 fee received by CU Date 3-22-82
Published in News Examiner # 20162
Dates 4-1 and 4-8-82

IDAHO DEPT. WATER RESOURCES
150 SHoup Ave
I.D. Falls Id. 83401

Public Notice

Is hereby given that the undersigned a citizen of the United States hereby claims and appropriates all the waters of Birch Springs situated about two miles East of Liberty Bear Lake County Idaho Territory or as much as will flow through a ditch two feet wide at the bottom, three feet wide at the top and six inches deep with a fall of one inch to the road. The point of diversion of the waters of the said Birch spring is near ~~the~~ the mouth of "Poison Hollow" And where this notice is posted. And the undersigned does hereby claim and appropriate all the waters of said Springs and all streams or springs flowing into the same along the line or above the ditch aforesaid. The said appropriation to be conducted from the point of diversion into said ditch of the dimensions aforesaid and through said ditch for irrigating and agricultural purposes onto the land at the mouth Poison Hollow in Sec 3 T13S Range 43E of Boise meridian in Idaho Territory, Bear Lake Co. ID. Mar 25th 1887

John Heyman

Territory of Idaho
County of Bear Lake

I hereby certify that I have this 25th day of March 1887 posted a notice as above designated, which was a true & correct copy of the foregoing

John Heyman

MAR 16 1982

Department of Natural Resources
Eastern District Office

Filed for record

March 26th 1887
at 1240 ft. ~~sq.~~
and recorded in

Book of Miscellaneous

Records page 132.

O. L. Mantonya
C. Recorder.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN

Director

Published 4/1 & 4/8/82.

11-4214

ROBERTS, LAMAR

OVID, ID 83260

Source: BIRCH SPRINGS tributary to SINKS

Priority Date: 03/25/1887

Amount: 0.48 CFS

Diversion Point: SWNW Sec 03 T 13S R 43E, BEAR LAKE Co.

Use: IRRIGATION	(0.48 CFS)	from 03/15 to 11/15
STOCKWATER	(0.08 CFS)	from 01/01 to 12/31

Place of Use: NWSW SWSW Sec 03 T 13S R 43E NESE SESE Sec 04 T 13S R 43E
FOR 24 ACRES

Diversion Means: PUMP, PIPELINE & RESERVOIR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 25, 1982

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 19, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 11 4214 Applicant Roberts

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☐ Signature/notarization/fee.

April 19 1982

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date April 22, 1982

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 4/29/82

April 19, 1982

RE: Claim to a Water Right No. 11-4214 ROBERTS
No. 11-4215 NELSON

Application for Permit No. 11-7284 JENSON

News Examiner
P.O. Box 278
Montpelier, ID 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on April 1 and 8, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 19, 1982

LAMAR ROBERTS
OVID

ID 83260

RE: Claim No. 11-4214

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED

APR 29 1982

Department of Water Resources