

Claim No. 13 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 Charles C. Izatt,
(name of claimant)
of Rt. #1, Box 149, Grace, Idaho 83241, 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) unnamed spring
_____, 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>0.20</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: 0.20 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) July 21, 1947

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 1/4 NE 1/4, Sec. 32 Twp. 11S Rge. 40E B.M. County of Caribou

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 earth dam, length 20 ft. height 3 ft. and width at bottom is 3 feet.

(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	
11S	40E	32	X																

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwatering purposes for 5 horses and 100 cows

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

T
11
S

R. 40E

* Point of diversion and place of use

SEC. 32

Received by CW Date 7-26-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ALR Date 7-14-77 claimant by: _____
\$10.00 fee received by CW Date 7-15-77
Approved for publication by me 8-15-77 #1070 _____
Published in Barbours County Times _____
Dates July 28 & Aug 4-1977 _____

RECEIVED

AUG 15 1977

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 13-4051**

Notice is hereby given that Charles C. Izatt, Grace, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.20 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. 32, T. 11S, R. 40E, B.M., Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes for 5 horses and 100 cows with a priority of July 21, 1947 the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T. 11S, R. 40E, 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 Caribou County Sun, Soda Springs, Idaho on July 28 and August 4, 1977.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

28th day of

July, 1977

The date of the last publication

being the 4th day of

August, 1977

Mark Steele

Subscribed and sworn to before me this

5th day

of August, 1977

Clarence J. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of

1982

Memo

LEONARD O. KINGSFORD

ATTORNEY AT LAW

BOX 915

SODA SPRINGS, IDAHO 83276

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

REGARDING:

Charles C. Izatt

DATE:

July 13, 1977

Gentlemen:

Enclosed are the following:
Application for Permit
Claim to a Water right
Check No. 210 in the amount of \$20.00

Very truly yours,

Leonard O. Kingsford
LEONARD O. KINGSFORD

July 20, 1977

RE: Claim to water right No. 13-4051 and No. 13-7204

Charles C. Izatt
Rt. #1, Box 149
Grace, Idaho 83241

Dear Mr. Izatt:

Attached herewith is departmental receipt No. 8270 in the amount of \$20.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Attachment

July 21, 1977

RE: Claim to a Water Right No. 13-4051 IZATT

Mr. Leonard O. Kingsford
Attorney at Law
Box 915
Soda Springs, Idaho 83276

Dear Mr. Kingsford:

This Department is currently processing the above referenced claim to a water right and application for permit No. 13-7204. However, the claim was submitted on an outdated form. For your convenience, we have taken the liberty of retyping the claim. Please have your client sign the claim in the presence of a notary and return to this office as soon as possible.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: Mr. Charles Izatt

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4051

Notice is hereby given that Charles C. Izatt,
Grace, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.20 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from an unnamed spring
with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T. 11S, R. 40E, B.M.,
Caribou County

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes for 5 horses and 100 cows
with a priority of July 21, 1947;
the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T. 11S, R. 40E, 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
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on July 28 and August 4, 1977

the
-d.
no. C.

July 22, 1977

RE: Application for Permit No. 11-7127 CITY OF SODA SPRINGS
13-7204 IZATT
25-7126 NUFFER
25-7127 DOCKSTADER
Claim to a Water Right No. 13-4051 IZATT

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

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

8-15-77 by CW

RDC:W

Enc: Legal Notice (5)

13 4051

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 Charles C. Izatt
post office address Route 1, Box 149, Grace, Idaho 83241
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 32 Township 11 South
Range 40 E.B.M. located on an unnamed spring.
(name of source)
tributary to _____ in Caribou 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:

<u>July 21, 1947</u>	amount: <u>.2</u>	c.f.s. or	acre feet
_____	amount: _____	c.f.s. or	acre feet
_____	amount: _____	c.f.s. or	acre feet
Total claimed <u>.2</u> 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 <u>Stock watering</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 31</u>	(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 Earth dam
_____; length is 20 feet; height is 3 feet;
width at bottom is 3 feet; width at top is 1 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known no change

 - 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 _____

[illegible]

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. no change

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

N/A

[illegible]

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? _____ 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 _____
5 horses, 100 cows.

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied N/A

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 N/A

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The number of animals in the pasture where the spring is located varies from
time to time, with the numbers noted in item 6 being the maximum for any time.

State of Idaho

County of Caribou

} 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.

Charles C. Gatt
Claimant

Sworn to before me this 13th day of July, 1977.

Leonard O. Kingsford
Notary Public

Residing at Soda Springs, Idaho.

My commission expires August 14, 1977.

For Department Use Only

Received by <u>CW</u> Date <u>7-14-77</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>ARK</u> Date <u>7-15-77</u>	_____	claimant by: _____	_____
Fee received by <u>CW</u> Date <u>7-15-77</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>Caribou City</u> Dates <u>July 28</u> <u>Aug 4, 1977</u>	_____	_____	_____

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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

August 16, 1977

RE: Claim to a Water Right No. 13-4051

Mr. Charles C. Izatt
Rte #1, Box 149
Grace, ID 83241

Dear Mr. Izatt:

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