

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 J.C.H. Inc.

(Name of Claimant)

522 Harrison Blvd. Ogden, Utah 84404

(Mailing Address)

Telephone No. (801) 392-6597

(Zip Code)

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) 1929 June 1

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)

Unnamed spring tributary to Bear River

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

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>2.95</u>	Use <u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity	<u>.05</u>	Use <u>Stock</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity	<u>.04</u>	Use <u>Domestic</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
(4)	<u>3.04</u>	TOTAL QUANTITY USED.		

(cfs, gpd, AFA)

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

SE 1/4 NE 1/4, Sec. 36 Twp. 12S Rge. 40E B.M., County of Franklin

Additional points of diversion: SWNE, Sec. 36, T. 12S, R. 40E (Domestic)

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. (a) Irrigation - water is collected in a series of 3 ponds and pumped by

3-15 H.P. pumps into a 8" chempvc mainline and acreage is sprinkler irrigated. (b) Stock - drink directly from ponds and creek formed by the spring. (c) Domestic - 2 1/2 H.P.

- (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. Pump and pipeline.

to one single family domestic unit and to

one born

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	40E	36			10	6									35	35	25	30	141
12S	41E	31									10	35	15						60

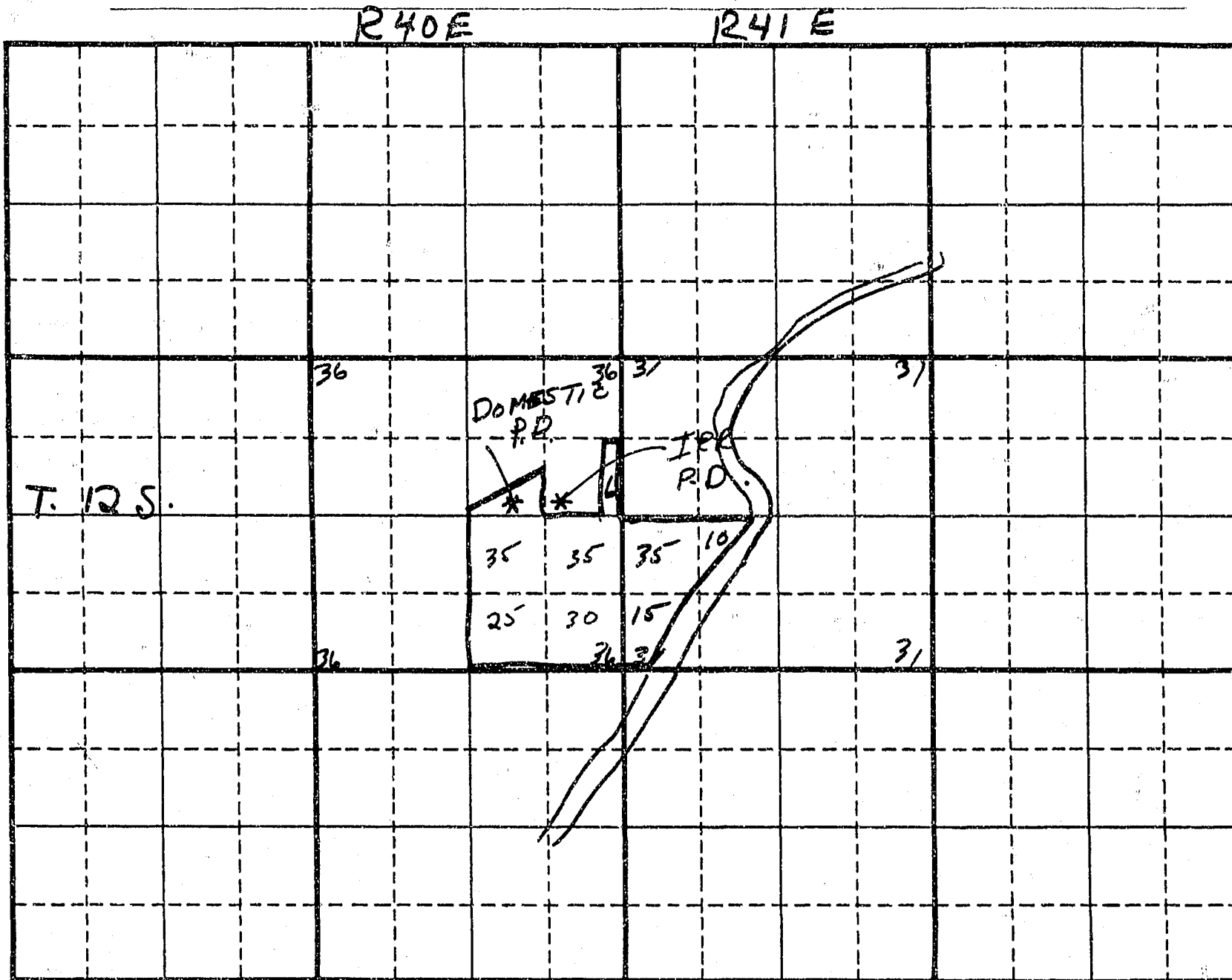
No. of acres 201

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock divert water from 3 ponds located in the SE 1/4 NE 1/4 and SW 1/4 NE 1/4, Sec. 36, T. 12S, R. 40E from time to time they also divert water directly from the creek at various points located on the creek. As it passes through the Claimant's property. The domestic use is on 15 acres located in the SW 1/4 NE 1/4, Sec. 36, T. 12S, R. 40E.

NOTE: Include here the type and number of stock watered: 150 head of range cattle

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

(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 Bonneville) 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.

Sworn to before me this 6th day of November

19 79

Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>11-06-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>AKK</u>	Date <u>11-06-79</u>		claimant by:	
\$20.00 fee received by <u>CW</u>	Date <u>11-06-79</u>			
Published in <u>Preston Citizen</u>	# <u>13786</u>			
Dates <u>11/15 & 11/22/79</u>				

No 998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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 of 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

Nov. 15, 1979, and ending
with the issue of Nov. 22, 1979

Fee \$ 13.68

Subscribed and sworn to before me this 30th day
of November, 1979.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

RECEIVED

DEC 6 1979

Department of Water Resources
Eastern District Office

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:

13-4117

J.C.H., INC.
522 HARRISON BLVD., OGDEN, UT 84404

Source: UNNAMED SPRING tributary to BEAR RIVER

Priority Date: 06/01/1929

Amount: 3.04 CFS

Diversion Point: SENE SWNE Sec 36 T 12S R 40E, FRANKLIN CO.

/Use: IRRIGATION (2.95 CFS) from 04/01 to 11/01

STOCKWATER (0.05 CFS) from 01/01 to 12/31

DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SWNE SENE NESE NWSE SWSE SESE Sec 36 T 12S R 40E NESW NWSW SWSW Sec 31 T 12S R 41E FOR 201 ACRES

Diversion Means: PONDS, PUMPS AND PIPELINES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Boise, Idaho 83706.

C. STEPHEN ALLRED
Director

Published 11/15 and 11/22/79.

Legal No. 998-38L - Pub. Nov. 15 and 22, 1979.

80-D

AFFIDAVIT - GENERAL

13 4117

STATE OF IDAHO }
County of FRANKLIN } ss.

of

being first duly sworn, upon oath deposes and says:

I reside at Hatcher City,
Country of FRANKLIN, State of IDAHO.

I make this affidavit for the following reason and purpose:

I know that the spring water originating on the Southwest 40
of the Northeast quarter of Section 36, Township 12 S. Range 40 E.
has been used for irrigation purposes for 30 years to
irrigate the following:

A part of the Southwest 40 of the Northeast Quarter of Section 36,
Township 12 S. Range 40 E.

The Southwest 40 and portion of the Southeast 40 ^{lying West} of the Bear River

Section 31, Township 12 S. Range 41 E. and all of the Southwest Quarter
of Section 31

Township 12 S. Range 41 E. lying West of the Bear River.

IN WITNESS WHEREOF, I have hereunto set my name and seal this 16 day of
February, 19 79.

and further deponent saith not.

Subscribed and sworn to before me, this

16 day of

Feb

A. D. 1979

[Signature]
Notary Public

My commission expires

life

69435

BLANK NO. 421- © GEM PRINTING CO. - SALT LAKE CITY

AFFIDAVIT - GENERAL

STATE OF IDAHO

County of FRANKLIN

ss.

of

being first duly sworn, upon oath deposes and says:

I reside at Thatcher City,

County of FRANKLIN, State of IDAHO.

I make this Affidavit for the following reason and purpose;

I know that the spring water originating on the Southwest 40 of the Northeast Quarter of Section 36, Township 12 S. Range 40 E. has been used for irrigation purposes for 50 years to irrigate the following:

A part of the Southwest 40 of the Northeast Quarter of Section 36, Township 12 S. Range 40 E.

The Southwest 40 and portion of the Southeast 40, lying West of the Bear River

Section 31, Township 12 S. Range 41 E. and all of the Southwest Quarter of Section 31

Township 12S. Range 41 E. lying West of the Bear River.

IN WITNESS WHEREOF, I have hereunto set my name and seal this 16th day of

February, 1979.

and further deponent saith not.

Subscribed and sworn to before me, this 16 day of Feb A. D. 1979

Notary Public

My commission expires

L. P.

89433

BLANK NO. 421- © GEM PRINTING CO. — SALT LAKE CITY

AFFIDAVIT - GENERAL

STATE OF IDAHO
County of FRANKLIN } ss.

of

being first duly sworn, upon oath deposes and says:

I reside at Grace City,

Country of FRANKLIN, State of IDAHO.

I make this affidavit for the following reason and purpose:

I know that the spring water originating on the Southwest 40 of the Northeast quarter of Section 36, Township 12 S. Range 40 E. has been used for irrigation purposes for 50 years to irrigate the following:

A part of the Southwest 40 of the Northeast Quarter of Section 36, Township 12 S. Range 40 E.

The Southwest 40 and portion of the Southeast 40 ^{lying West} of the Bear River
Section 31, Township 12 S. Range 41 E. and all of the Southwest Quarter of Section 31

Township 12 S. Range 41 E. lying West of the Bear River.

IN WITNESS WHEREOF, I have hereunto set my name and seal this 16th day of February, 19 79.

and further deponent saith not.

Hebin T. Mickelson

Subscribed and sworn to before me, this 16 day of Feb A. D. 19 79

[Signature]
Notary Public

My commission expires

9/1

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ARK

Right Number 13 4117 Applicant J.C.H. Inc

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 12/19/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Juni Date 12/19/79

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Diversion Point: SENE SWNE Sec 36 T 125 R 40E, FRANKLIN Co.

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STOCKWATER	(0.05 CFS)	from 01/01 to 12/31
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: SWNE SENE NESE NWSE SWSE SESE Sec 36 T 125 R 40E NESW NWSW SWSW
Sec 31 T 125 R 41E FOR 201 ACRES

Diversion Means: PONDS, PUMPS AND PIPELINES

Any exception to any claim of water right may be filed with
the Director of the Idaho Department of Water Resources, 1515
Lincoln Road, Boise, Idaho 83709.

C. STEPHEN ALLRED

Director

Published 11/15 & 11/22/79.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 8, 1979

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

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 DECEMBER 3, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 3, 1979

J.C.H., INC.
522 HARRISON BLVD.
OGDEN

UT 84404

RE: Claim No. 13-4117

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