

RECEIVED

JUN - 1 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Brice Checketts
2250 N. Westside Hwy, Dayton ID 83232 Telephone No. (208) 747-3523
(Mailing Address) (Name of Claimant) (Zip Code)

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

1. Date of Priority: (When the water was first applied to beneficial use) July 1, 1950
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

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

Groundwater tributary to _____

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 or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>0.45 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1-1</u>	to <u>12-31</u>
Quantity <u>0.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	to <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

4. 0.49 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 11 Township 15S Range 38E B.M., Franklin County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

well + pump to one home to 700 head of dairy cattle.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
15S	3E	11							D/S										

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. _____

NOTE: Include here the type and number of stock watered: 700 cows (dairy)

7. Remarks: _____

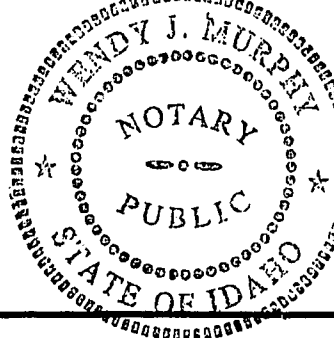
8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

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 forgoing 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.

Bruce Chubb
Claimant's Signature (and title if claim is for an organization)

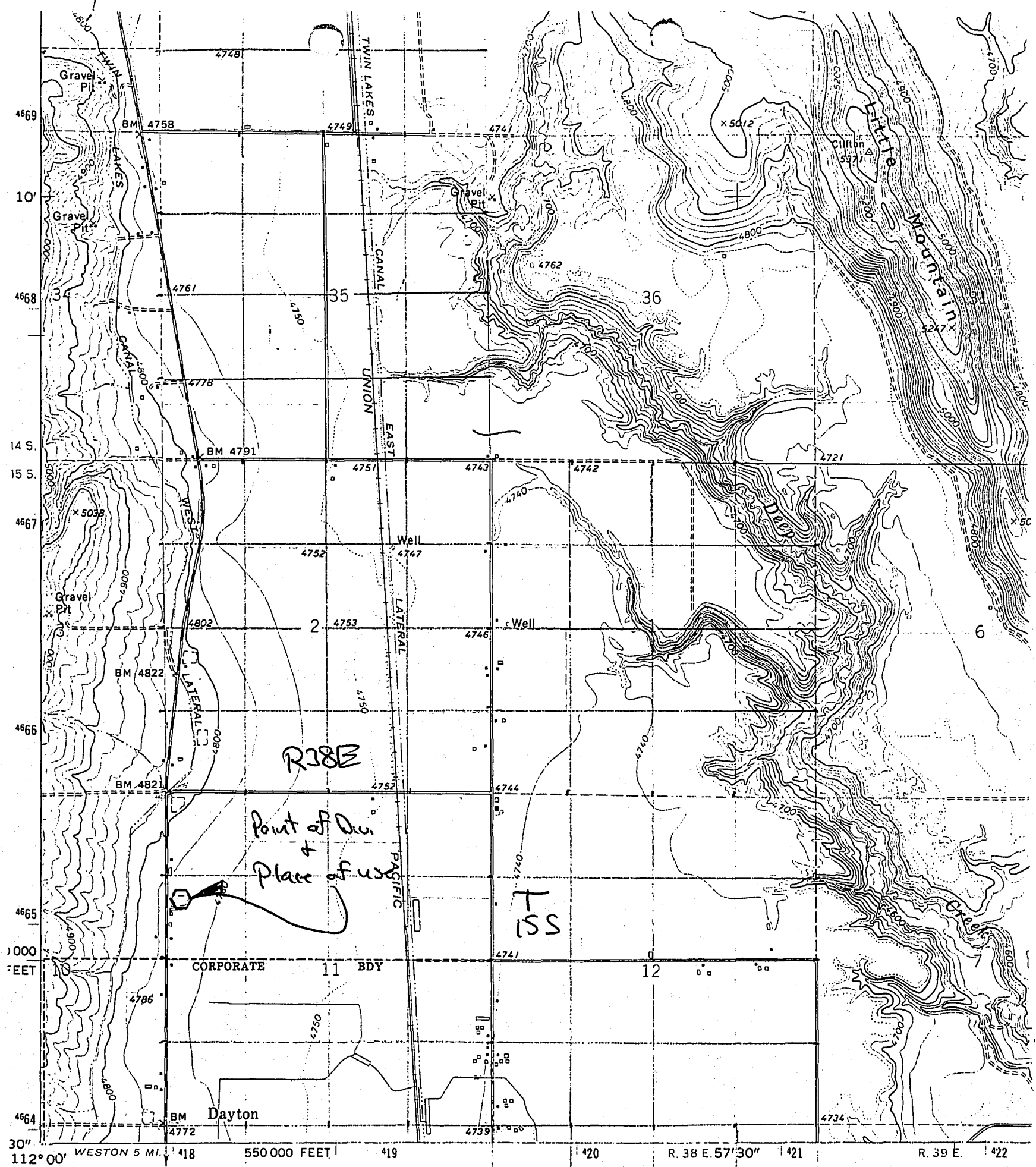
Sworn to before me this 12th day of April, 1999.



Wendy J. Murphy
Notary Public
Residing at: Idaho Falls
My commission expires: 6/23/00

FOR DEPARTMENT USE ONLY

Received by HWT Date 4-12-99 Published in Preston Citizen
Prelim. check by _____ Date _____ Publication dates 5/5 & 5/12/99
Fee \$100.00 Receipt # E024891 Publication checked by SC Date 5/20/99
Receipt prepared by _____ Date _____ Exceptions filed by _____

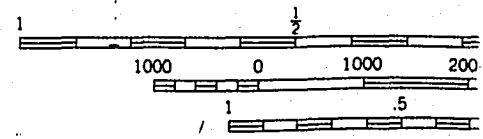
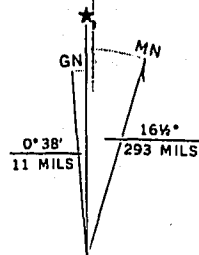


Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1968. Field checked 1969

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone

1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue



CONTROL
DOTTED LINES
DATUM

NOTE OF CLAIMS TO WATER RIGHTS

The Following claim(s) have been filed on water rights created
by diversion and beneficial use:

13-04340

CHECKETTS, BRICE
2250 N WESTSIDE HWY
DAYTON, ID 83232

Source: GROUNDWATER

Diversion Pt: NWSWNW Sec 11 T 15S R 38E in FRANKLIN County.

Use: STOCKWATER	(	0.450 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.490 CFS)

Claimed Priority: 7/ 1/1950

In: FRANKLIN County
T15S R38E S11 SWNW

Exceptions to a claim may be filed with the Department of Water
Resources, Eastern Region, 900 N Skyline Ste A, Idaho Falls, Idaho 83402.

Published: 5/ 6/1999 & 5/13/1999

KARL J. DREHER, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 27, 1999

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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 MAY 24, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.

*mailed
4/27/99
SC*

No 4811

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }

County of Franklin }

ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the 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

5/5, 1997, and ending
with the issue of 5/12 1999

Fee \$ 54.14

Subscribed and sworn to before me this 12 day

of May, 1999.

Notary Public, Residing at Preston, Idaho

My Commission Expires 8/14, 2001.

NOTICE OF CLAIMS TO WATER RIGHT

The Following claim(s) have
been filed on water rights created
by diversion and beneficial use:

13-04339

CHECKETTS, BRICE
2250 N WESTSIDE HWY
DAYTON, ID 83232
Source: GROUNDWATER
Diversion Pt: SWSWNW Sec 11 T
15S R 38E in FRANKLIN County.
Use:

DOMESTIC (0.040 CFS)
STOCKWATER (0.230 CFS)
Total Diversion: (0.270 CFS)
Claimed Priority: 7/1/1945
In: FRANKLIN County
T15S R38E S11 NWNW

13-04340

CHECKETTS, BRICE
2250 N. WESTSIDE HWY.
DAYTON, ID 83232
Source: GROUNDWATER
Diversion Pt: NWSWNW Sec 11 T
15S R 38E in FRANKLIN County.
Use:

STOCKWATER (0.450 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.490 CFS)
Claimed Priority: 7/1/1950
In: FRANKLIN County
T15S R38E S11 SWNW

Exceptions to a claim may be
filed with the Department of Wa-
ter Resources, Eastern Region, 900
N. Skyline Dr., Ste A, Idaho Falls,
ID 83402.

KARL J. DREHER, Director
Legal No. 4811 - Publish May
5 and 12, 1999.

RECEIVED

MAY 27 1999

Department of Water Resources
Eastern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

MAY 26, 1999 KARL J. DREHER
DIRECTOR

BRICE CHECKETTS
2250 N WESTSIDE HWY
DAYTON, ID 83232

Re: Claim No. 13-04340

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

RONALD D CARLSON
Eastern Region Manager

Enclosure

TITLE 42
IRRIGATION AND DRAINAGE -- WATER
RIGHTS AND RECLAMATION
CHAPTER 2

APPROPRIATION OF WATER -- PERMITS,
CERTIFICATES, AND LICENSES -- SURVEY

~~42-221a~~ FEES OF DEPARTMENT. The department of water resources shall collect the following fees which shall constitute a fund to pay for legal advertising, the publication of public notices and for investigations, research, and providing public data as required of the department in the performance of its statutory duties

A. For filing an application for a permit to appropriate the public waters of this state

1. For a quantity of 0.2 c.f.s. or less or for a storage volume of 20 acre feet or less \$50.00
2. For a quantity greater than 0.2 c.f.s. but not exceeding 1.0 c.f.s. or for a storage volume greater than 20 acre feet but not exceeding 100 acre feet \$100
3. For a quantity greater than 1.0 c.f.s. but not exceeding 20 c.f.s., or for a storage volume greater than 100 acre feet but not exceeding 2,000 acre feet \$100
plus \$20.00 for each additional c.f.s. or part thereof or 100 acre feet or part thereof over the first 1.0 c.f.s. or 100 acre feet.
4. For a quantity greater than 20.0 c.f.s. but not exceeding 100 c.f.s. or for a storage volume greater than 2,000 acre feet but not exceeding 10,000 acre feet \$480
plus \$10.00 for each additional c.f.s. or part thereof or 100 acre feet or part thereof over the first 20.0 c.f.s. or 2,000 acre feet.
5. For a quantity greater than 100.0 c.f.s. but not exceeding 500.0 c.f.s., or for a storage volume greater than 10,000 acre feet but not exceeding 50,000 acre feet \$1,280
plus \$5.00 for each additional c.f.s. or part thereof or 100 acre feet or part thereof over the first 100 c.f.s. or 10,000 acre feet.
6. For a quantity greater than 500 c.f.s., or for a storage volume greater than 50,000 acre feet \$3,280
plus \$1.00 for each additional 1.0 c.f.s. or part thereof or 100 acre feet or part thereof over the first 500.0 c.f.s. or 50,000 acre feet.

B. For filing application for change of point of diversion, place, period, or nature of use of water of established rights; or for an extension of time within which to resume the use of water under a vested right \$100

C. For filing application for amendment of permit \$50.00

D. 1. For filing claim to use right under section 42-243, Idaho Code \$100

2. ~~For filing a late claim to use a water right under section 42-243, Idaho Code, where the date filed with the department of water resources is after the postmark of the date mailed to the department of water resources, the fee shall be:~~

- After June 30, 1998 \$250
- ii. After June 30, 2005 \$500
- iii. For every ten (10) years after June 30, 2005, an additional \$500

E. For filing an assignment of permit \$25.00

F. For readvertising application for permit, change, exchange, or extension to resume use \$50.00

G. For certification, each document \$1.00

H. For making photo copies of office records, maps and documents for public use A reasonable charge as determined by the department.

I. For filing request for extension of time within which to submit proof of beneficial use on a water right permit \$50.00

J. For tasks requiring in excess of one (1) hour research or for computerized data provided for public use A reasonable charge as determined by the department.

K. For filing proof of beneficial use of water and requests for water right license examinations, a fee based upon the rate of diversion claimed in the proof of beneficial use

1. For a quantity of 0.2 c.f.s. or less, or for a storage volume of 20 acre feet or less \$50.00
except no fee shall be charged for domestic use for which a permit is not required.

2. For a quantity greater than 0.2 c.f.s. but not exceeding 1.0 c.f.s., or for a storage volume greater than 20 acre feet, but not exceeding 100 acre feet \$100

3. For a quantity greater than 1.0 c.f.s., or for a storage volume greater than 100 acre feet \$100
plus \$25.00 for each additional c.f.s. or part thereof, or 100 acre feet or part thereof, over the first 1.0 c.f.s. or 100 acre feet with a maximum fee not to exceed \$600.

L. For filing a protest or request to intervene in a protested matter \$25.00

M. For filing an application to alter a stream channel pursuant to chapter 38, title 42, Idaho Code

1. Application for recreational dredge permits by residents of the state \$10.00

2. Application for recreational dredge permits by nonresidents of the state \$30.00

3. Other applications \$20.00

N. For receipt of all notices of application within a designated area, a reasonable annual charge as determined by the department.

All fees received by the department of water resources under the provisions of this chapter shall be transmitted to the state treasurer for deposit in the water administration account.

TITLE 42
IRRIGATION AND DRAINAGE -- WATER
RIGHTS AND RECLAMATION
CHAPTER 2
APPROPRIATION OF WATER -- PERMITS,
CERTIFICATES, AND LICENSES -- SURVEY

42-243. FILING OF CLAIMS OF RIGHTS ESTABLISHED BY DIVERSION AND USE -- FORM AND CONTENT OF CLAIM. In order to allow for the recording of historic uses of the waters of this state, any person using or claiming rights to the use of water for uses other than domestic purposes, which have heretofore been established by diversion and application to a beneficial use shall file a claim of such right with the department of water resources not later than June 30, 1983, or if mailed, shall be postmarked not later than June 30, 1983. Such claim shall be in affidavit form on forms furnished by the department of water resources and shall set forth

- a. The name and post-office address of the claimant.
- b. The quantity of water claimed to have been used.
- c. The source of the water supply.
- d. The location of the point or points of diversion.
- e. The nature of the use and the period during each year when the water is used for such purposes.
- f. The priority of the right claimed which shall be determined by the date when the water was first applied to a beneficial use provided there has been no period of abandonment or nonuse or forfeiture of the water right since that date.
- g. If water is claimed for irrigation, the legal description of the lands irrigated.
- h. Such other information as shall be required by the blank form furnished by the department.

Such claim may be accompanied by maps showing the place of use, affidavits of witnesses familiar with the uses claimed, measurements of the water diverted and used, and such other information as the claimant may wish to submit.

If the claim is filed with the department of water resources later than June 30, 1983, or if it is mailed to the department of water resources and the postmark is later than June 30, 1983, the claim shall be classified as follows

- a. If the only use identified on the claim is domestic purposes, then the claim will be considered to be filed in a timely manner.
- b. If the use(s) identified on the claim includes other than domestic purposes, then the claim shall be considered to be a late claim, with a unique filing fee as set forth in section ~~42-221~~ ⁴²⁻²²¹, Idaho Code.

This section shall not apply to any water rights which are based on the authority of a permit or license issued by the department of water resources or one of its predecessors or water rights which have previously been adjudicated by a court having jurisdiction of such matters.

→ See 42-111

TITLE 42
IRRIGATION AND DRAINAGE -- WATER
RIGHTS AND RECLAMATION
CHAPTER 1
APPROPRIATION OF WATER -- GENERAL
PROVISIONS

42-111. DOMESTIC PURPOSES DEFINED. (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:

(a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

(b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

(3) Multiple water rights for domestic uses or domestic purposes, as defined in this section, shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section. The purpose of this limitation is to prohibit the diversion and use of water, under a combination of domestic purposes or domestic uses as defined in this section, to provide a supply of water for a use that does not meet the exemption of section 42-227, Idaho Code, and is required to comply with the mandatory application and permit process for developing a right to the use of water pursuant to chapter 2, title 42, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Brice Checketts
2250 N Westside Hwy
Dayton ID 83232

Re: Statutory Claim No. 13-04340

Dear Mr. Checketts,

Your claim has been forwarded to me at the state office for final review and disposition. During my review, I noted that you have claimed use from July 1, 1950 for 1 home and 700 dairy cattle.

I have enclosed for your reference, a printout of the code governing filing statutory claims. I have highlighted those portions of the code that pertain to your claim.

Per department standards, dairy cattle use on a yearly average 35 gallons per day. The volume of water diverted for 700 dairy cattle calculates to be about 24,500 gallons per day. As you can see, this volume is in excess of the limitations of domestic purposes as defined in Section 42-111, Idaho Code. Therefore, per Section 42-243, Idaho Code, this claim is a late claim. Per Section 42-221, Idaho Code, the filing fee for a late statutory claim is \$250.00. You paid a \$100.00 filing fee.

This claim is not acceptable as filed. To continue the process, please submit the remaining \$150.00 in filing fees to the department at the above address.

I will hold processing of your claim for 14 days pending your response. Please remit the remaining filing fees within the 14-day period to avoid further delay of processing your claim.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

A handwritten signature in cursive script that reads "Cindy Zimmerman".

Cindy Zimmerman
Water Resource Agent

Enclosures

MEMORANDUM

DATE: June 14, 1999
TO: File No. 13-04340
FROM: Cindy Zimmerman ³
SUBJECT: Telephone Conversation

Per telecon today with Marlene of Oxford Mountain Farms, she will be mailing a check for the remaining \$150.00 filing fee to the state office this week.

I agreed to hold processing on this file until 6/25/99 pending receipt of the additional fees.

Fees paid 6/17/99 E 025070

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: E025070

Date:
Time: 6/17/1999
13:59:53

Received
From: OXFORD MOUNTAIN FARMS INC

Type of Payment	Program A cct	Amount
STATUTORY CALIM #13-04340	63103 229 21 1155	150.00
CHECK 3245		
	Total \$	150.00

Region: EASTERN

Signature: W. Newman



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Brice Checketts
2250 N Westside Hwy
Dayton ID 83232

Re: Statutory Claim No. 13-04340

Dear Mr. Checketts,

Our Eastern Region office has forwarded to me your receipt showing payment of the remaining \$150.00 in filing fees for the above claim. Your statutory claim is now acceptable as filed. Enclosed is your receipt no. E025070.

As I am sure you are aware, the filing of a statutory claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence that you included in your claim. If you have additional information or supporting evidence that you would like included with the claim, you may forward such information to the department at the above address.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Sincerely,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'.

Cindy Zimmerman
Water Resource Agent

Enclosure