

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Ident. Number: 11-7575
Date Received: 10/6/2023
Receipt No: P000478
Claim Fee: \$54.00
Received By: JW

RECEIVED

OCT 06 2023

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CHAD MILT HAYES
796 E HIGHWAY 26
RICHFIELD ID 83349-5440

Phone: (530) 957-6667

OR

TYSON HAYES
3844 EAST 137 NORTH
RIGBY ID 83442

Phone: (208) 317-8949

OR

DESTRY HAYES
3595 E 893 N
MENAN ID 83434-1202

Phone: (208) 251-6504

OR

TRAVIS HAYES
127 ANTELOPE DR
EVANSTON WY 82930

Phone: (208) 317-7887

2. Date of Priority: 5/1/1885

3. Source:
SPRING

Trib. to:
UNAMED STREAM

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
11S	43E	27	NW NE		BEAR LAKE	

5. Description of diverting works:

6 FOOT - 8 FOOT CONCRETE PIPE VERTICALLY PUT IN THE GROUND AT THE HEAD OF THE SPRING. 1 1/4 INCH PIPE TO THE PUMP HOUSE, WHICH PUMPS ACROSS THE ROAD TO THE BARN FOR STOCKWATERING. THE OVERFLOW FROM THE SPRING CREATES A NATURAL CHANNEL AND MEETS UP WITH AN UNNAMED STREAM ON OUR PROPERTY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION	04/15	10/31	0.12		
STOCKWATER	01/01	12/31	0.04		

7. Total Quantity Appropriated is:

0.16 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

50 COWS.
USE OVERFLOW WATER FROM THE SPRING TO IRRIGATE.

9. Place of use:

IRRIGATION within BEAR LAKE County

Township	Range	Section	¼	of	¼	Lot	Acres
11S	43E	27	NW		NE		6
11S	43E	27	NE		NW		0.2

Total Acres = 6.2

STOCKWATER within BEAR LAKE County

Township	Range	Section	¼	of	¼	Lot	Acres
11S	43E	27	NW		NE		

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

11-7639 AND 11-7637 FOR IRRIGATION

12. Remarks:

Priority Date Explanation:

WE UNDERSTOOD THAT THIS IS THE SPRING THAT WAS ORIGINALLY USED FOR THE BARTSCHI PROPERTY'S HOMESTEAD HOUSE. IT WAS NEVER DECREED IN THE DIETICH DECREE, SO WE CLAIMED IT IN 2007. THE USE FROM THE SPRING HAS BEEN USED SINCE 1885 AT THE SAME TIME AS THE "UNNAMED SPRING".

13. Basis of Claim: Statutory Claim

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

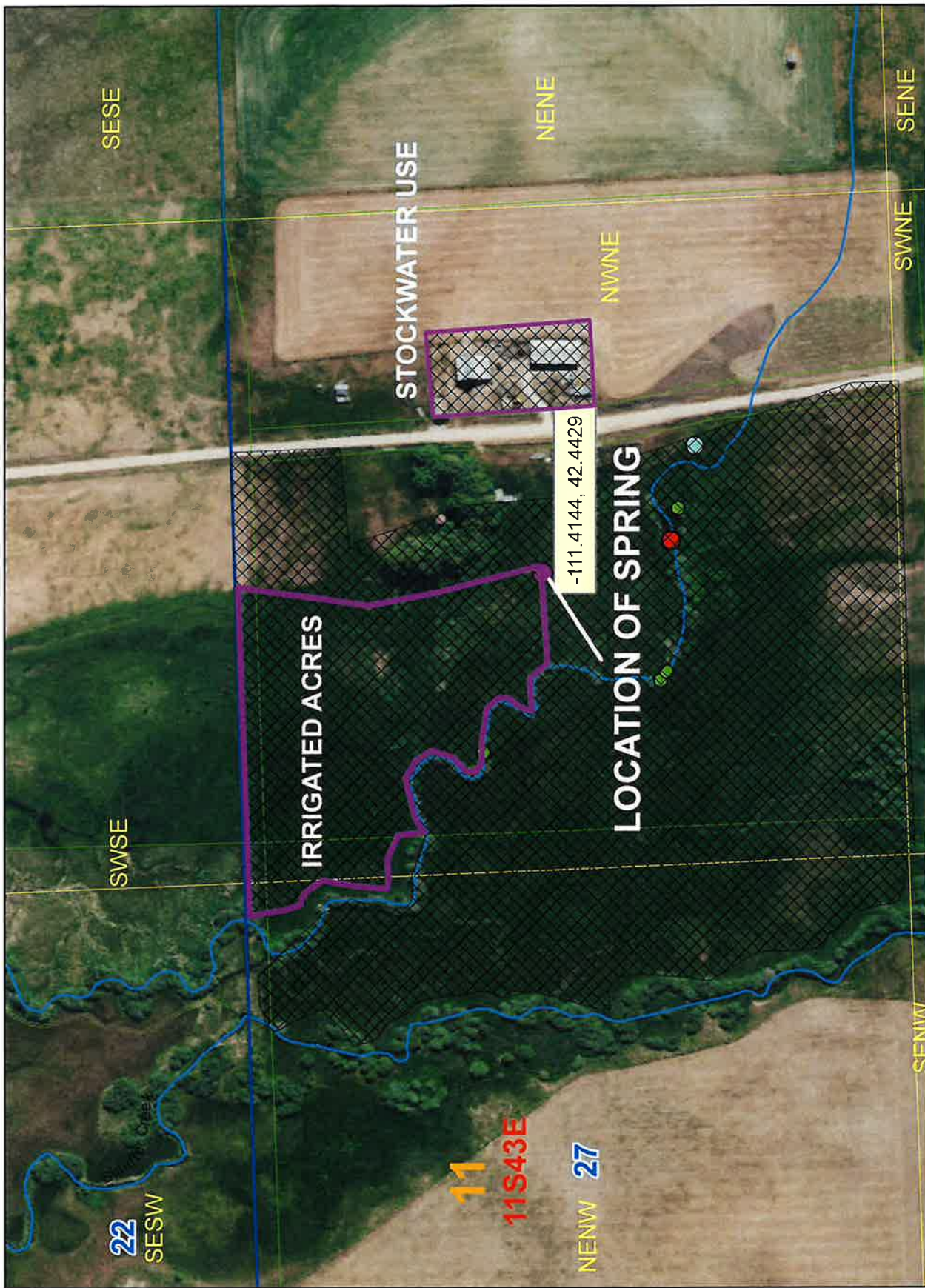
Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Destiny 2 Harper Date: 10-6-23

Date: _____



The Unnamed Spring 11-312

I have been the primary user of this water for irrigation, stockwater, etc. for the last 38 years. During the irrigation season I use all the water the Spring is capable of producing for irrigation. To my knowledge, no one has used that water for irrigation other than myself.

In all the 38 years I have used this water, there has never been any neighbor that has used this water for irrigation. There is enough excess water for stockwater where it leaves my property.

The unnamed Spring irrigates 31.5 acres on Farm 806 Tract 4880

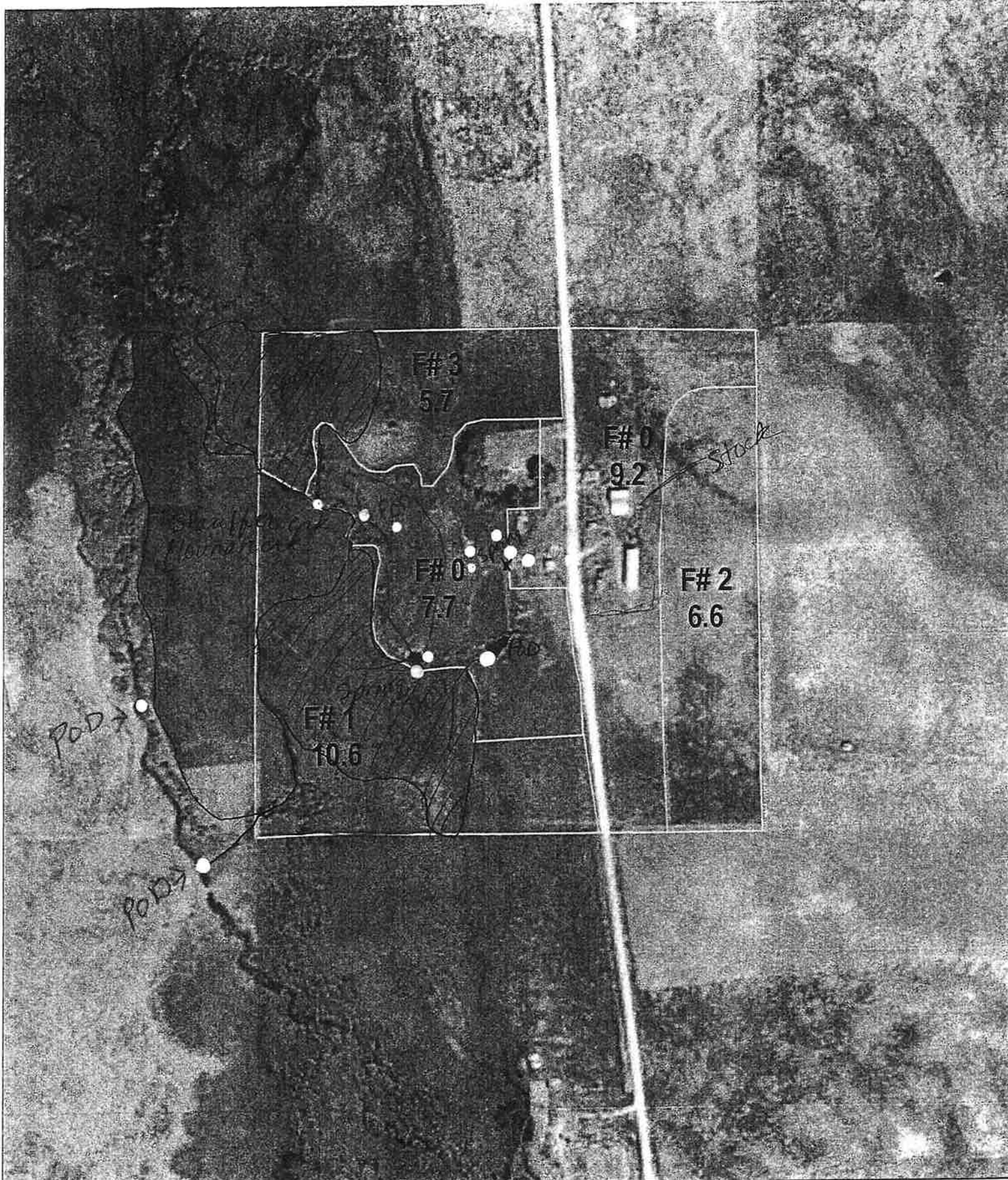
The Little Concrete Spring Claim no. 7575, Farm 806, Tract 4880

Irrigates 5 acres, plus 1-1/4 inch pipe to the pump house, which pumps across the road to the barn for stock watering.

1-1/4 inch pipe goes to Jody Smith (the property that joins ours) for domestic use. He has no irrigation rights on this spring.

The Stauffer/Nouran Creek 11-311 Irrigates 38.4 acres on Farm 1307, Tract 5124

Oct. 6, 2022
Milton J. Hayes
Carol A. Hayes



Tract 4880
Farm 806

T11S R43E.

X1W NE. Sec. 27.

Clu16007.shp

5 diversions

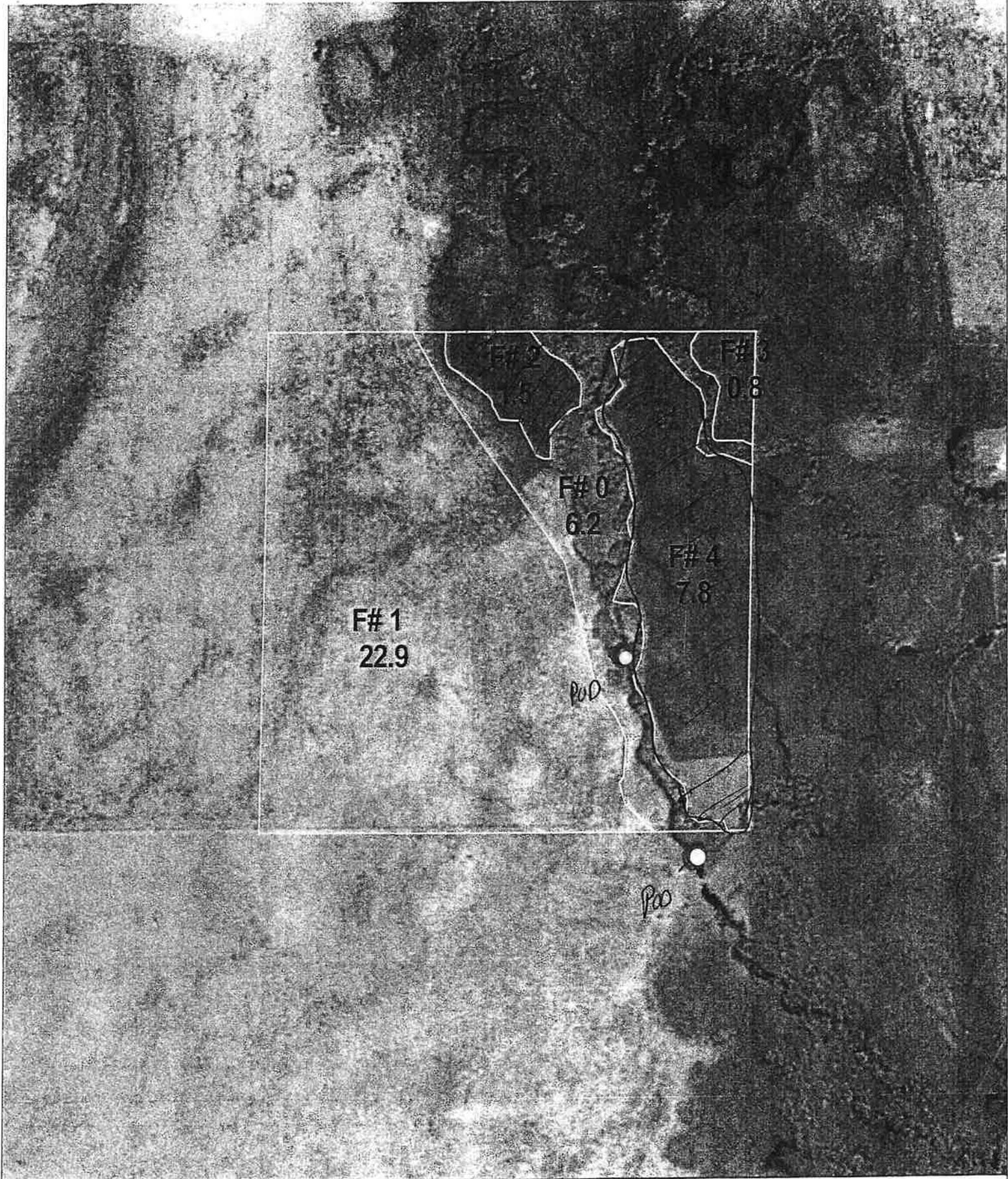
0.03 0 0.03 0.06 0.09 0.12 Miles



Map Printed: Jul 20, 2004

1/24

3D Acres



Tract 5124
Farm 1307

TISSUSE. XIENW Sec. 27
2 diversions
0.03 0 0.03 0.06 0.09 0.12 Miles

Clu16007.shp



Map Printed: Jul 20, 2004

38.4 acres

$$H = 1.29 \text{ ft}$$

$$R = .94 \text{ ft}$$

$$R^2 \times 3.1416 \times H = \text{cf}$$

$$.8836 \times 3.1416 \times = 3.58 \text{ cft}$$

$$3.58 \div 40 \text{ sec} = .0895 \text{ cfs}$$

$$3.58 \times 7.5 = 26.85 \text{ gal}$$

$$26.85 \div 40 \times 60 = 40.275 \text{ gal/min}$$

This is a measurement of
what the concrete spring produces.
It was done by bucket and stop method

Milton L Hayes

October 6, 2023

Container

15 1/2 inches deep

22.5 inches diameter

40 sec To Fill

3 Tests

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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 Milton Hayes and/or Carol Hayes
(Name of Claimant)
983 Hayes Lane Nounay, Montpelier, ID 83254 Telephone No: 208-847-0887
(Mailing Address) (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) May 1 1885
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)
Spring tributary to unnamed stream

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>0.046 CFS</u>	Use <u>stock</u>	Period of Use From <u>4/1</u>	to <u>12/31</u>
Quantity <u>0.089 CFS</u>	Use <u>IRRIGATION</u>	Period of Use From <u>4/20</u>	to <u>9/30</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

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

5. A) Location of point of diversion is _____ ¼ of NW ¼ of NE ¼, Govt. Lot _____
Sec. 27 Township 11S Range 43E B.M., Bea Lake 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.

Pump and Pipeline for Domestic use
ditch two ditches 20ft Long 120ft
One diversion 60ft North of spring (ditch)
One Pipeline diversion 60ft North 50ft West of spring
One diversion ditch 50ft North 345ft West
Neighbor has one and one quarter inch pipe for domestic use
Approx 80 Rod Long

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	SW	SE	
11S	43	27		S															

TOTAL ACRES 8.7

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Pump water to barn for watering cattle, Piped water to water Hole inside House yard

NOTE: Include here the type and number of stock watered: Cattle 15 Head

7. Remarks: 15 heads cows

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 _____)
) ss.
 County of _____)

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.

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

Sworn to before me this _____ day of _____, _____.

 Notary Public

Residing at: _____

My commission expires: _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
 Prelim. check by _____ Date _____
 Fee _____ Receipt # _____
 Receipt prepared by _____ Date _____

Published in _____
 Publication dates _____
 Publication checked by _____ Date _____
 Exceptions filed by _____

Notice of Clarification to document (Claim to Water Right)
on 7-9-07. The .089 CFS, use for irrigation,
was intended to be part of this claim, but
was removed. The .089 CFS for irrigation needs
to be included with this claim.

Milla L Hayes