

Mel Foster

13-7597

Lyle Swank
900 N Skyline
Suite # A
Idaho Falls, Idaho 83402

RECEIVED

OCT 03 2007

Department of Water Resources
Eastern Region

Monday Oct. 1st, 2007

Regarding: Water Rights in Stockton, Stockton Creek, Oxford Slough, Bear River
Drainage -

Dear Mr. Swank

I'm writing in regards to my Stockton Water Rights. Mr. Mel Foster has put a large pipe in the main spring at the headwaters of Stockton Creek and is using it to irrigate some pasture. I feel this is an abuse of my water rights. Would you inquire as to whether he has any water rights on Stockton Creek.

This pipe was put into use about three years ago. At that time, I notified Mr. Ron Carlson and he said he contacted Mr. Foster, and Mr. Foster at that time, did not continue to use the water.

About three weeks ago, I observed that he started to use the Stockton water for irrigation again. He never did take the pipe out of the headwaters. This spring also services a domestic cabin use, but I don't think it should also be used for irrigating purposes. To the best of my knowledge, he has no water rights on Stockton Creek for irrigating purposes.

I would appreciate your prompt attention to this matter. Would you contact me as soon as possible about your investigation of this matter. You can contact me at the following address, phone numbers and email.

Brent Abbott
33023 Stockton Rd Ext
Swan Lake, Idaho 83281

Phone: 208-897-5582
Cell Phone 208- 251-5550
Email: obabbott@plmw.com

Thank you for your attention to this matter.

Brent Abbott

Brent Abbott

Distributed for Staffing

Submitted for Advertising

Huf

4-12-01

State of Idaho
Department of Water Resources

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JUN 08 2001

Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 13-7597 Applicant Roster

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.
- ☒ W.D. _____

FINAL REGIONAL PROCESSING REVIEW:

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

By Huf Date 6-5-01

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

Claim No. 13-7597
69024

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 08 2001

APR 12 2001

Department of Water Resources

Department of Water Resources
Eastern Region

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 Melvin Foster1000 N 2300 W Preston ID 83203 Telephone No: (208) 862-1075
(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) 4-1-1870
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 Stockton Creek

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>0.04 CFS</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	to <u>12-31</u>
Quantity <u>0.09 CFS</u>	Use <u>Stockwater</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. 0.13 CFS TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of NE NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 3A Township 12S Range 39E 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.

collection box at $\frac{3}{4}$ mile pipeline to home. Ditch from
springs at $\frac{3}{4}$ mile to yard & garden

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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	
125	39E	34													DS				

TOTAL ACRES _____

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

Single family home with 1/2 acre lawn + garden

NOTE: Include here the type and number of stock watered: up to 400 head of range cattle

7. Remarks: _____

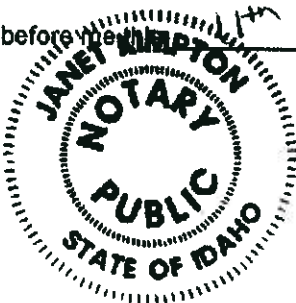
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of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

State of Idaho)
County of Franklin) 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.

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

Sworn to before me this 11th day of April, 2001.



Janet Kimpton
Notary Public

Residing at: Preston, Id.

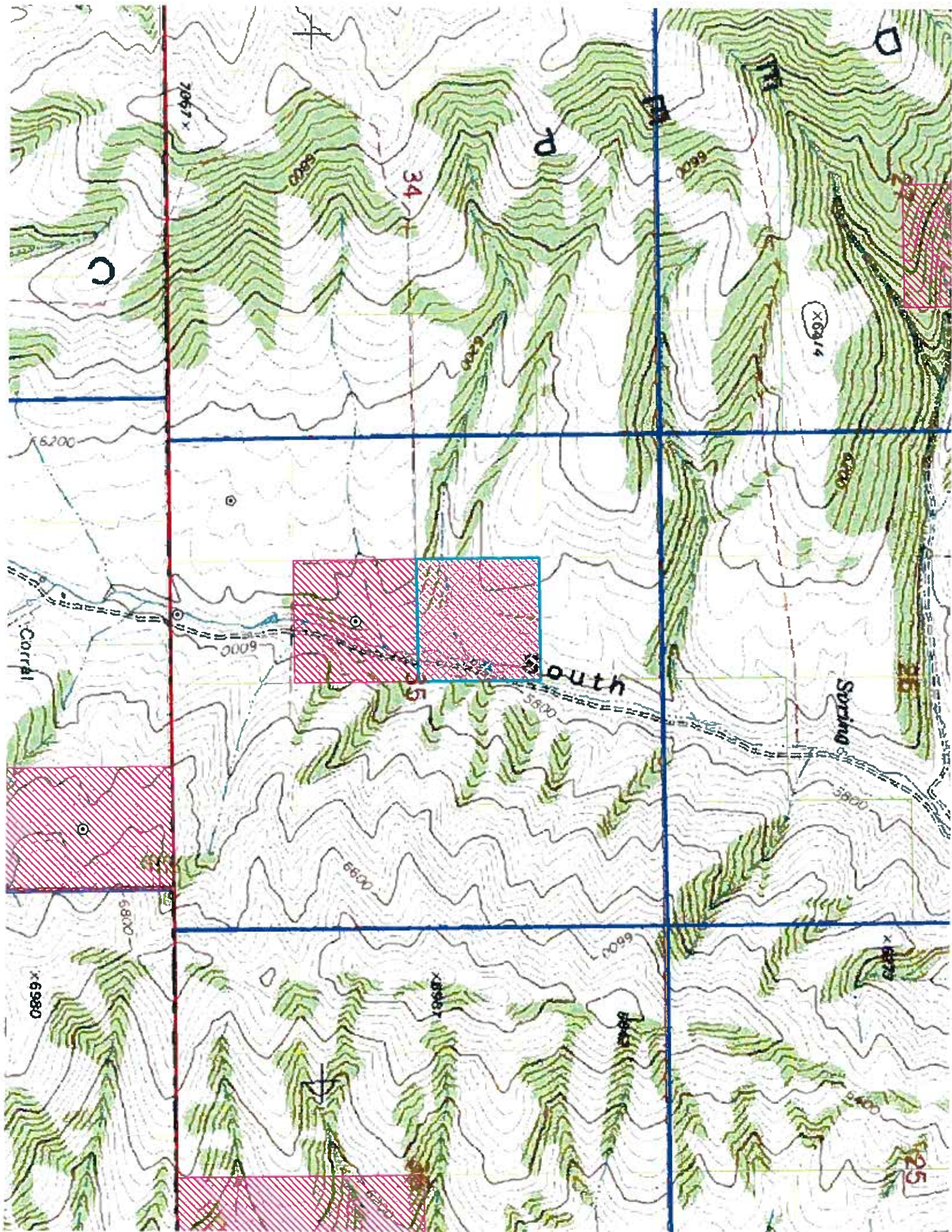
My commission expires: 3-30-2006

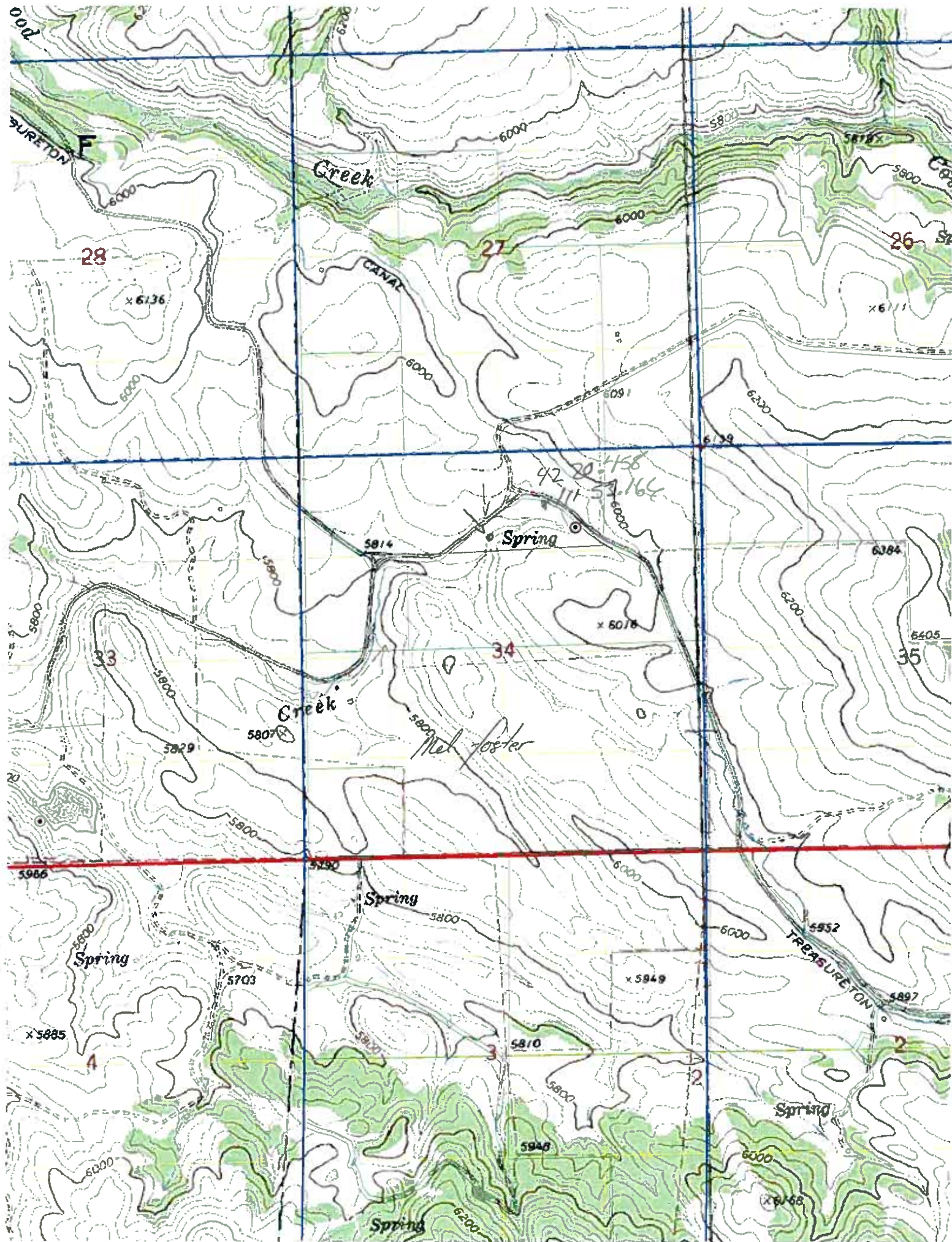
FOR DEPARTMENT USE ONLY

Received by HWS Date 4-12-01
Prelim. check by n Date 4-12-01
Fee 250.00 Receipt # E026630
Receipt prepared by HWS Date 4-12-01

Published in Preston Citizen
Publication dates 5/3 & 5/10/01
Publication of MICROFILMED Date 6/5/01
Exceptions filed by _____

JUN 14 2001





DO WNEY 16 MI

55'

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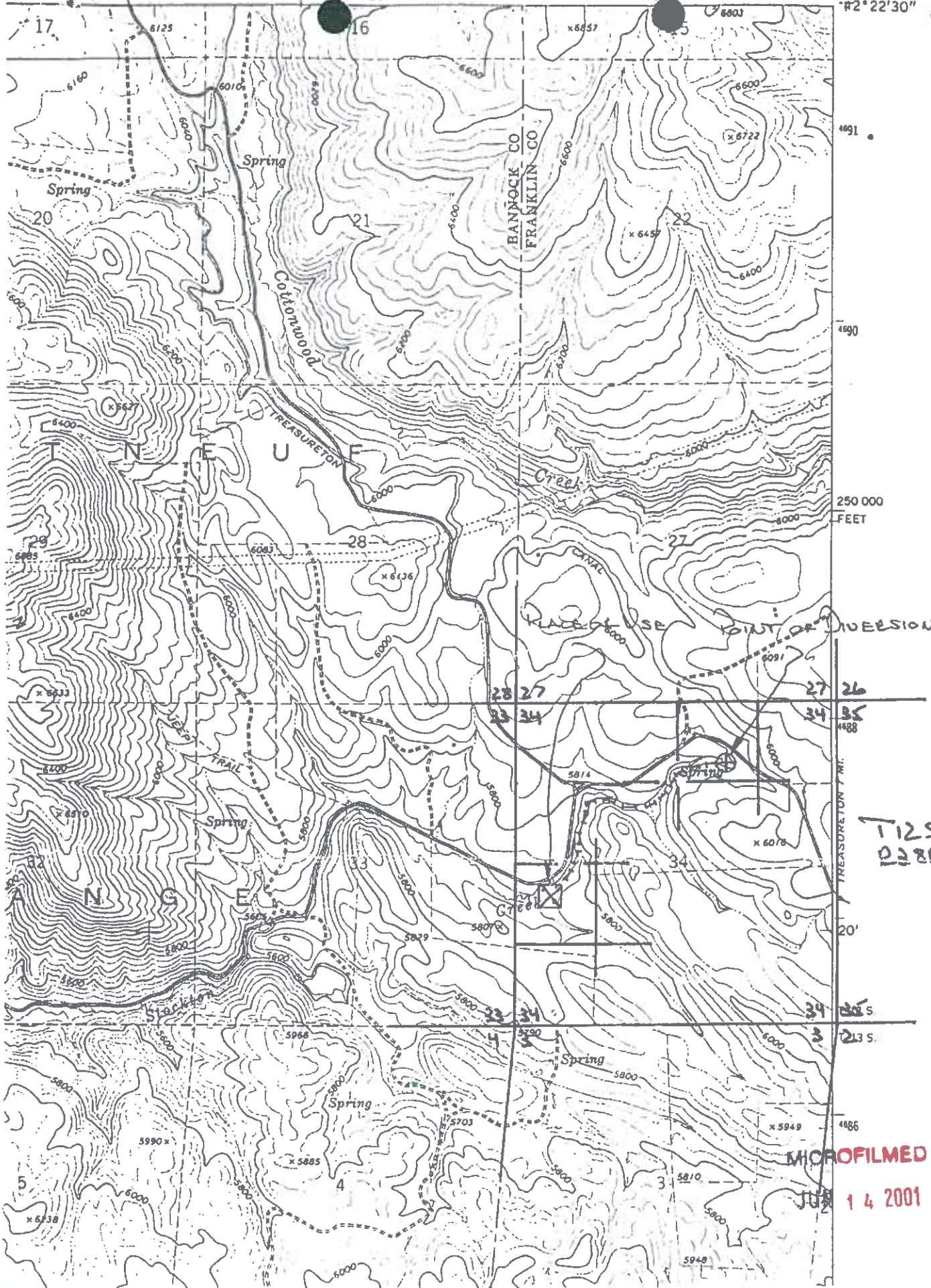
570 000 FEET

'26

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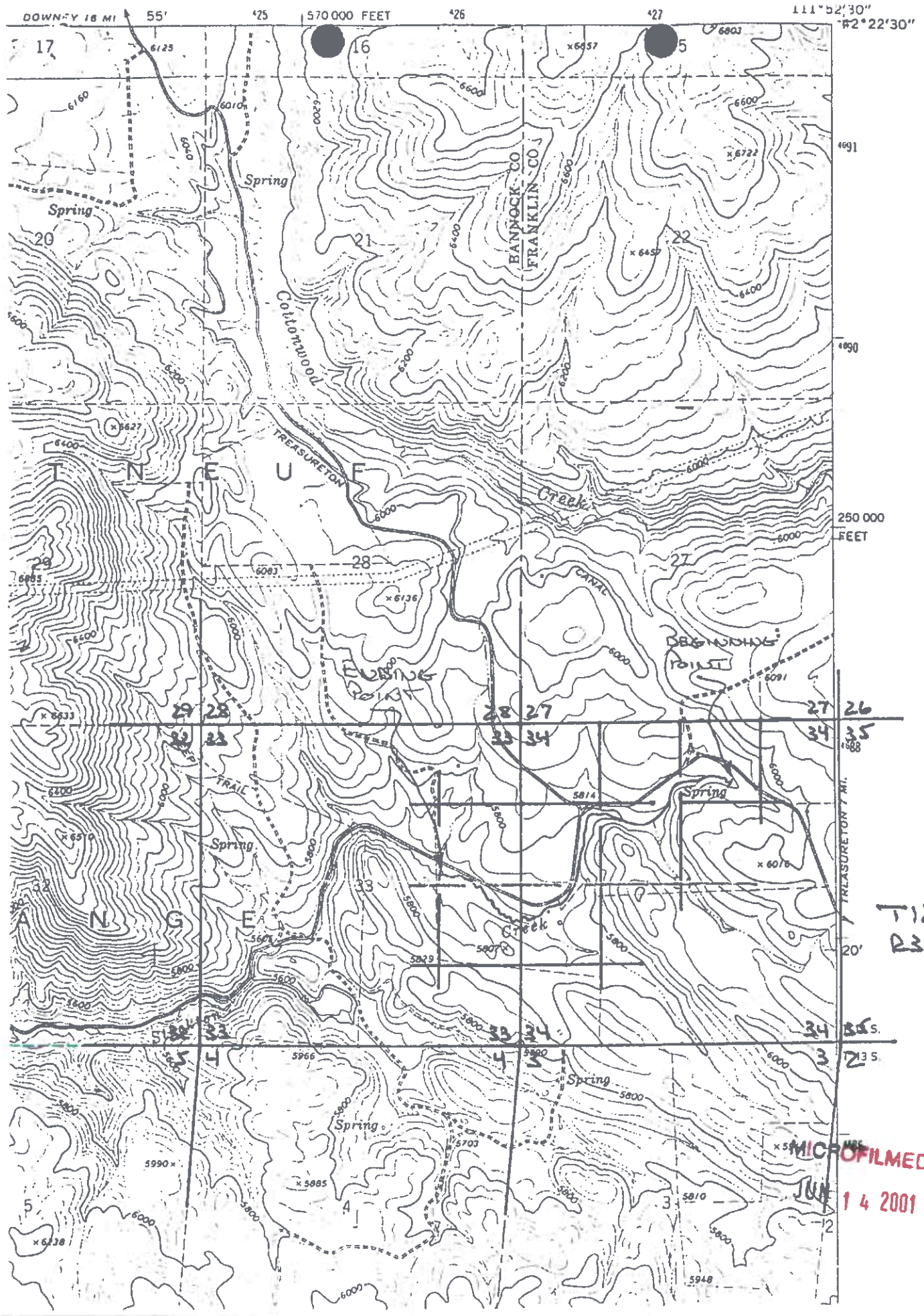
111° 52' 30"

42° 22' 30"



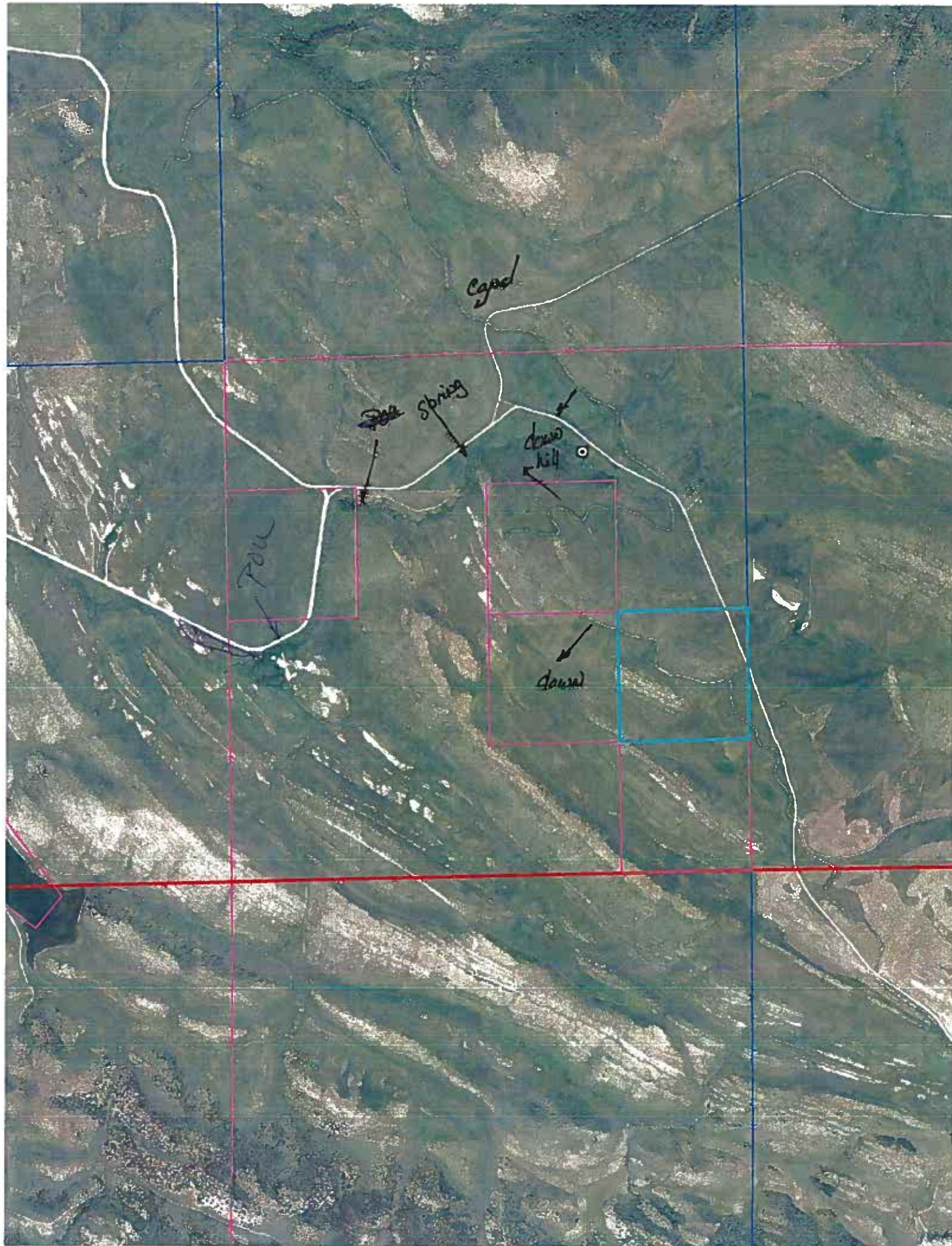
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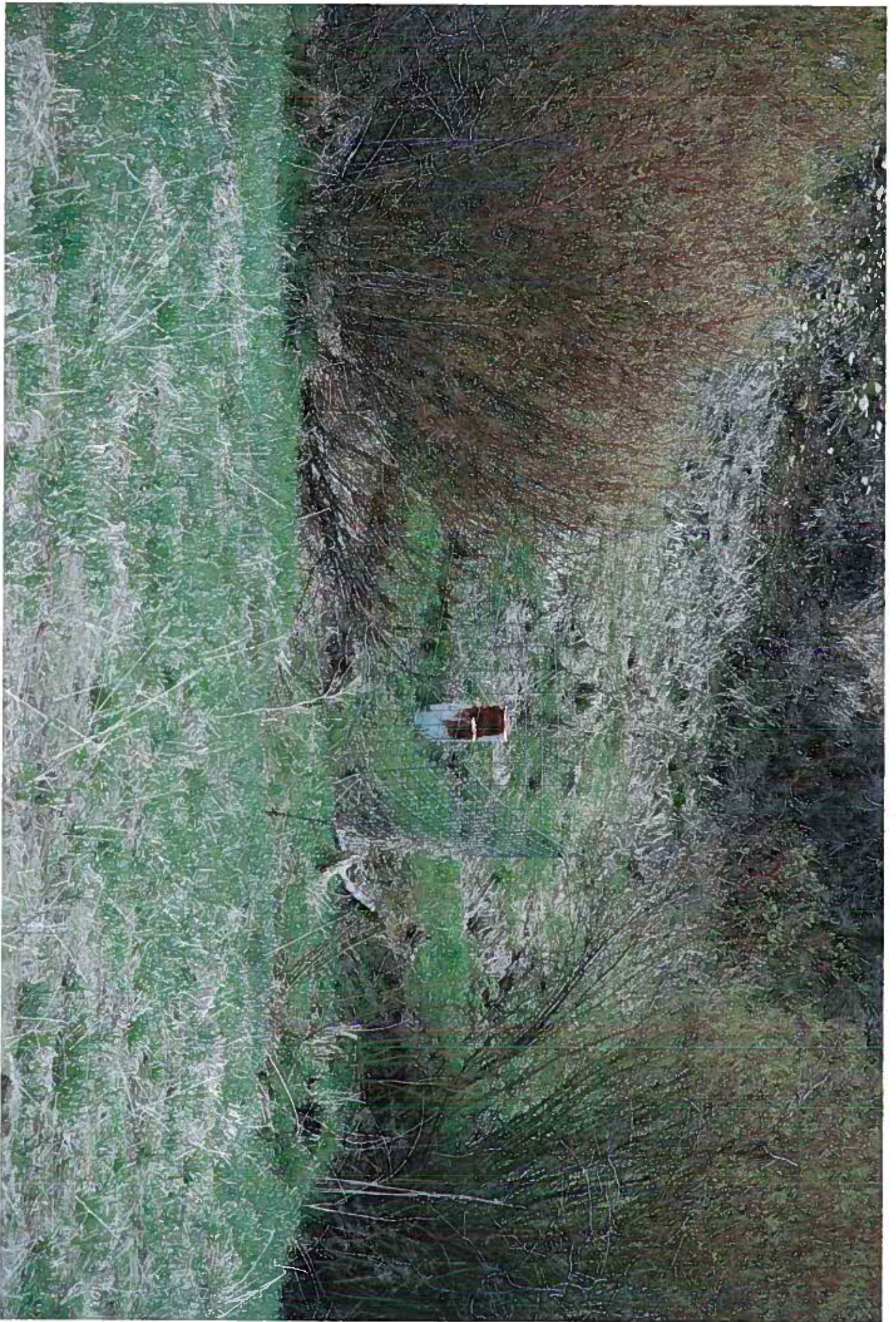
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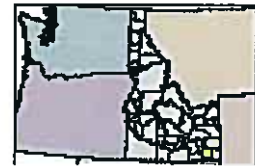






Idaho Department of Water Resources**Well Drillers' Locator**

The lat/long you provided was 42° 20.462' N; 111° 53.160' W
NE quarter of the NW quarter of Section 34, Township 12S, Range 39E
IDTM NAD83 coordinates: Easting=2674142; Northing=1240030



Choose the map-display background:



Wells



Water Rights



Water Right Permits



Adjudication Claims



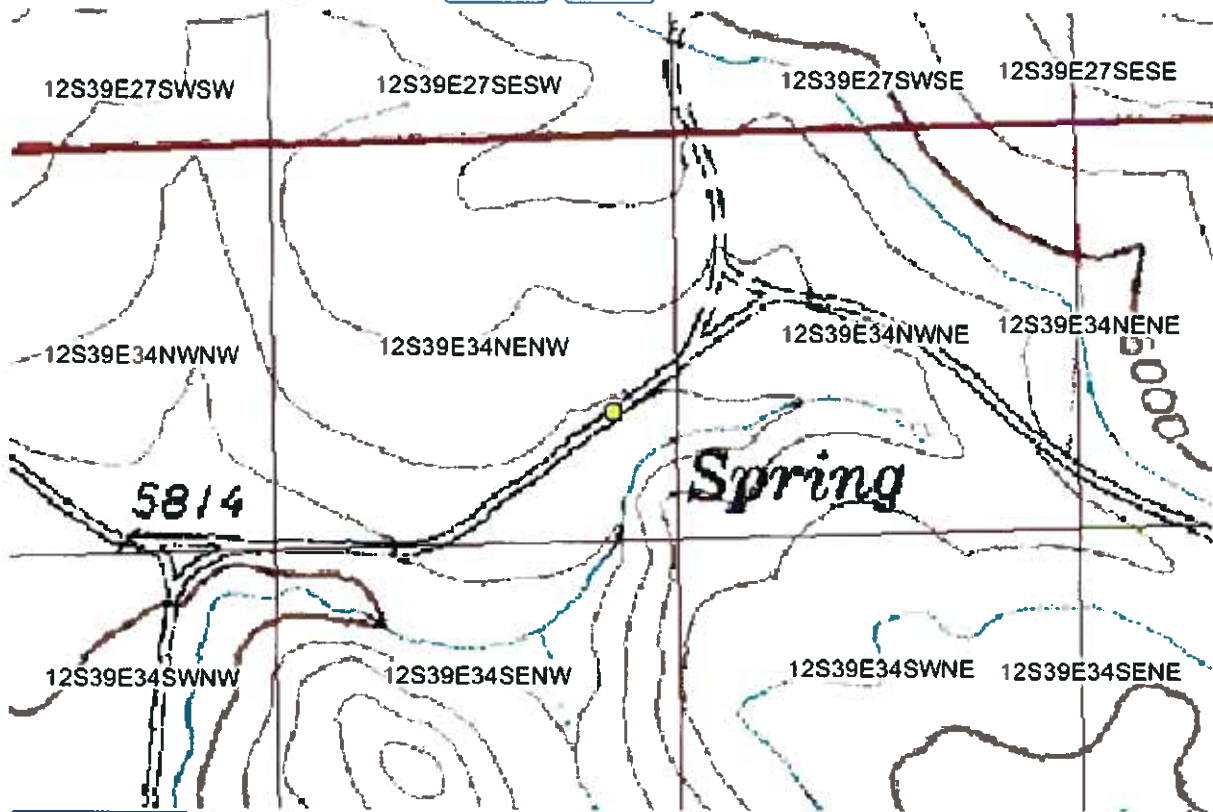
Adjudication Recommendations

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.

Well Drillers' Locator

Photo

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