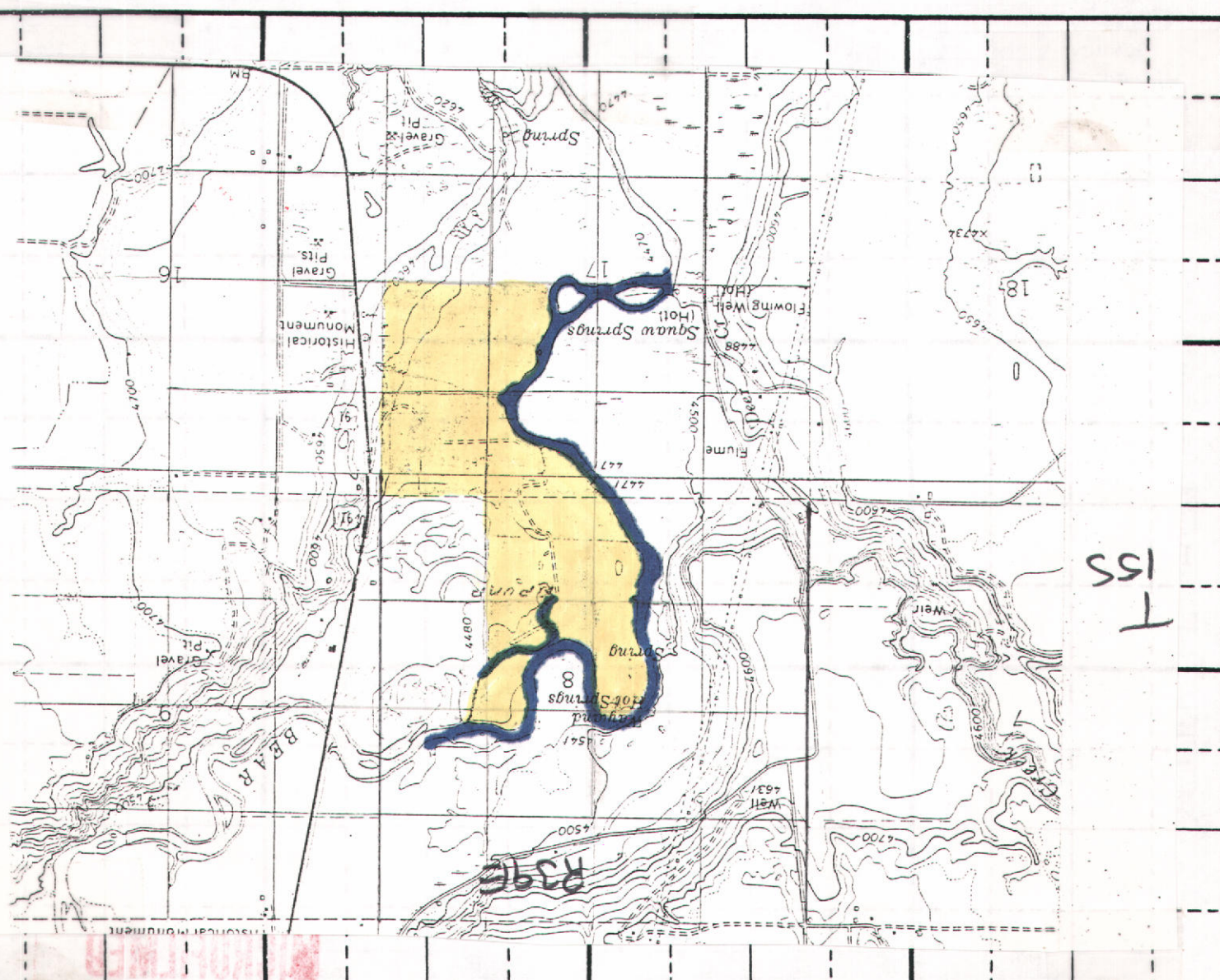


SEP 24 1987



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) 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 31st day of July, 1987.

Ben B. Johnson
(Claimant)

Notary Public
Residing at Idaho Falls, Idaho

My commission expires November 10, 1992

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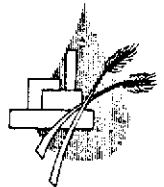
SEP 24 1987

FOR DEPARTMENT USE ONLY

Received by *da HUS* Date *8-7-1987* Exception filed by: Forwarded to claimant by: Date
Prelim. check by *da HUS* Date *8-7-87* Published in *Freedom Journal* Date *8-20 + 8-27-1987*
Dates

RECEIVED
AUG 7 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Department of Water Resources
Eastern District Office

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 Ben B. Johnson
(Name of Claimant)
136 N. 1st West Preston, ID 83263 Telephone No. 852-0515
(Mailing Address) (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) July 11, 1883

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)
Wayland Hot Springs 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:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>2.0</u> cfs	Use <u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>October 31</u>		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity <u>2.0</u> cfs	Use _____	Period of Use From _____	To _____		

(4) 2.0 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 8 Twp. 15 S Rge. 39 E B.M., County of Franklin
Additional points of diversion: SE-1/4, NW-1/4 and SW-1/4, SE-1/4; Sec. 8, Twp. 15 S Rge. 39 EBM

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.
Wayland Hot Springs arises on the West side of Bear River and is allowed to flow into the river; water is diverted from the East side of the river on an exchange basis by means of a pump located on

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is a pond at the end of a slough, not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	17	40	20	20	40													120
		8			5	2					20			15	3	30	38		113

No. of acres 233

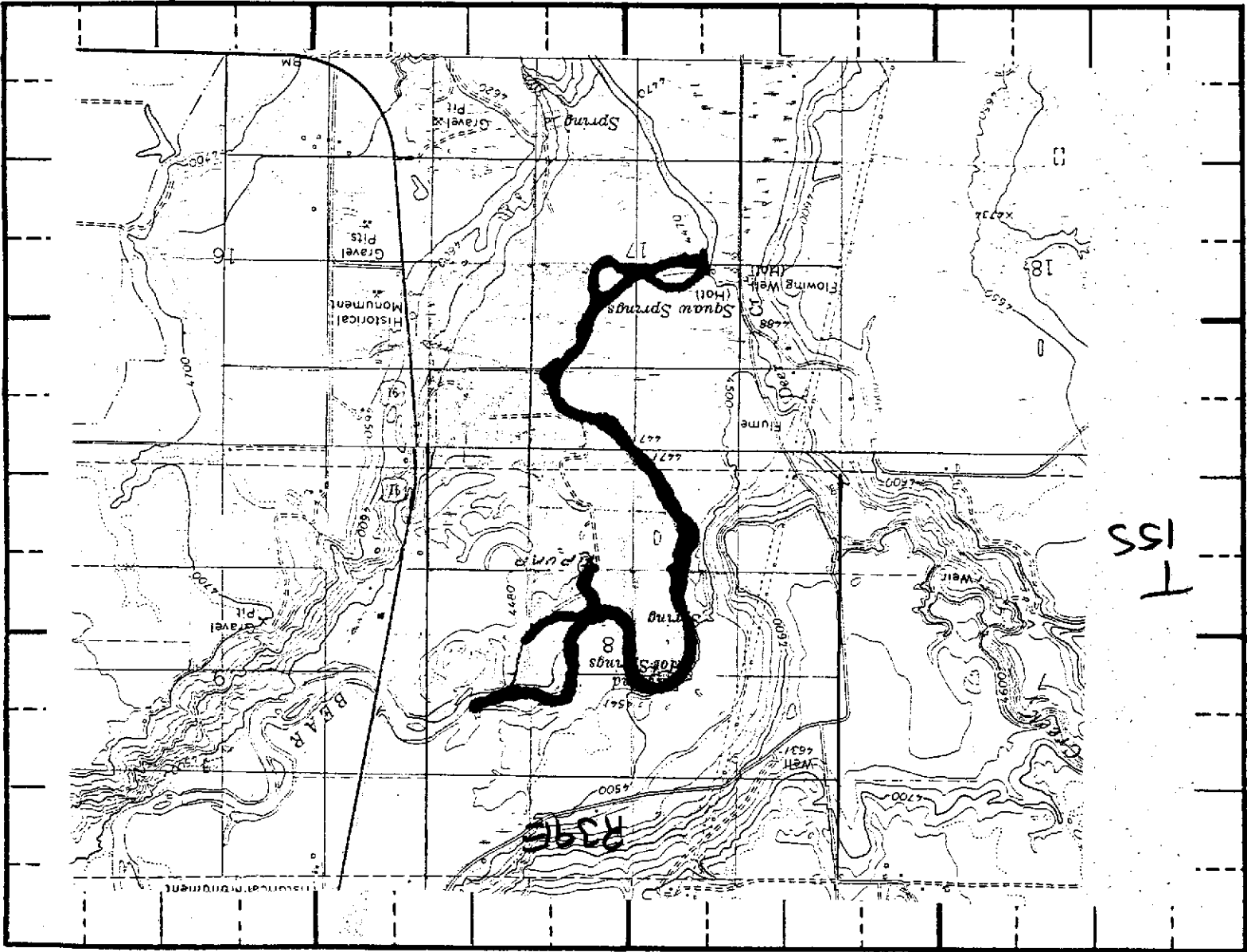
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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SEP 24 1987

NOTE: Include here the type and number of stock watered:

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



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.

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 31st day of July, 1987.

Notary Public
Residing at
Idaho Falls, Idaho

MICROFILMED

My commission expires November 10, 1992

FOR DEPARTMENT USE ONLY

Received by da HWS Date 8-7-1987 Exception filed by: 8-7-87 (upd 8-7-87 #41345) Forwarded to claimant by: 8-7-87 Date 8-7-87 Prelim. check by 8-20-87 Date 8-20-87 Fee received by 8-20-87 Date 8-20-87 Published in Freedom Journal Dates 8-20 + 8-27-1987

#875
No 3010

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

Aug 20, 1987, and ending
with the issue of Aug 27, 1987.

Fee \$21.00

Subscribed and sworn to before me this 28th day
of Aug, 1987.

Kind D. All

Notary Public, Residing at Preston, Idaho

My Commission Expires June 2, 1992

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been
filed on water right(s) created by
diversion and beneficial use.

13-4299

JOHNSON, BEN B.
136 NORTH 1st WEST, PRESTON, ID
83263
Source: WAYLAND HOT SPRINGS
trib. to BEAR RIVER

Diversion Pt: NESW SENW SWSE Sec
08 T 15S R 39E

Use: IRRIGATION (2.0 CFS)

Priority Date: 07/11/1883

In: NENE NWNE SWNE SENE Sec.
17 T 15S R 39E SWNE SENE NESW
SESW NESE NWSE SWSE Sec. 08 T
15S R 39 E FOR 233 ACRES

Exceptions to a claim may be filed
with the Director, Dept. of Water Re-
sources, Eastern Region, 150 Shoup,
Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Legal No. 3010 -24L- Publish Aug.
20, 27, 1987.

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SEP 24 1987

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 13-4299 Applicant Johnson

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.

(not in a water district per HWT)

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 14 Sept. 87

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 9-16-87

protest date 9-7-87

FILED

SEP 24 1987

RECEIVED
SEP 16 1987

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 8, 1987

BEN B. JOHNSON
136 NORTH 1ST WEST
PRESTON ID 83263

RE: Claim No. 13-4299

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 Manager

Enclosure

MICROFILM

SEP 24 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 11, 1987

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 billings to this office before SEPTEMBER 7, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

MICROFILMED

SEP 24 1987

13-4299

JOHNSON, BEN B.

136 NORTH 1ST WEST, PRESTON, ID 83263

Source: WAYLAND HOT SPRINGS trib. to BEAR RIVER

Diversion Pt: NESW SENW SWSE Sec 08 T 15S R 39E

Use: IRRIGATION (2.0 CFS)

Priority Date: 07/11/1883

In: NENE N4NE S4NE SENE Sec 17 T 15S R 39E SWNE SENE NESW SESW NESE NWSE SESE
Sec 08 T 15S R 39E FOR 233 ACRES

MICROFILMED

SEP 24 1987

NOTICE OF CLAIMS TO WATER RIGHTS

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

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402

KEN DUNN, Dir.

MICROFILMED

Published 8/20 & 8/27/87.

SEP 24 1987

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129

IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALEP
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALDER
J. MICHAEL WHEELER

August 5, 1987

Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

Gentlemen:

We are enclosing with this letter a Claim to a Water Right together with our check in amount of \$200.00 for the filing fee.

Yours very truly,



Kent W. Foster

#2603.00
sam/5400e

Enclosures

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SEP 24 1987