

(8) Remarks This spring has served the same single-family household for three generations. Additional evidence can be made available upon request (see attached paper)



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 Franklin) 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.

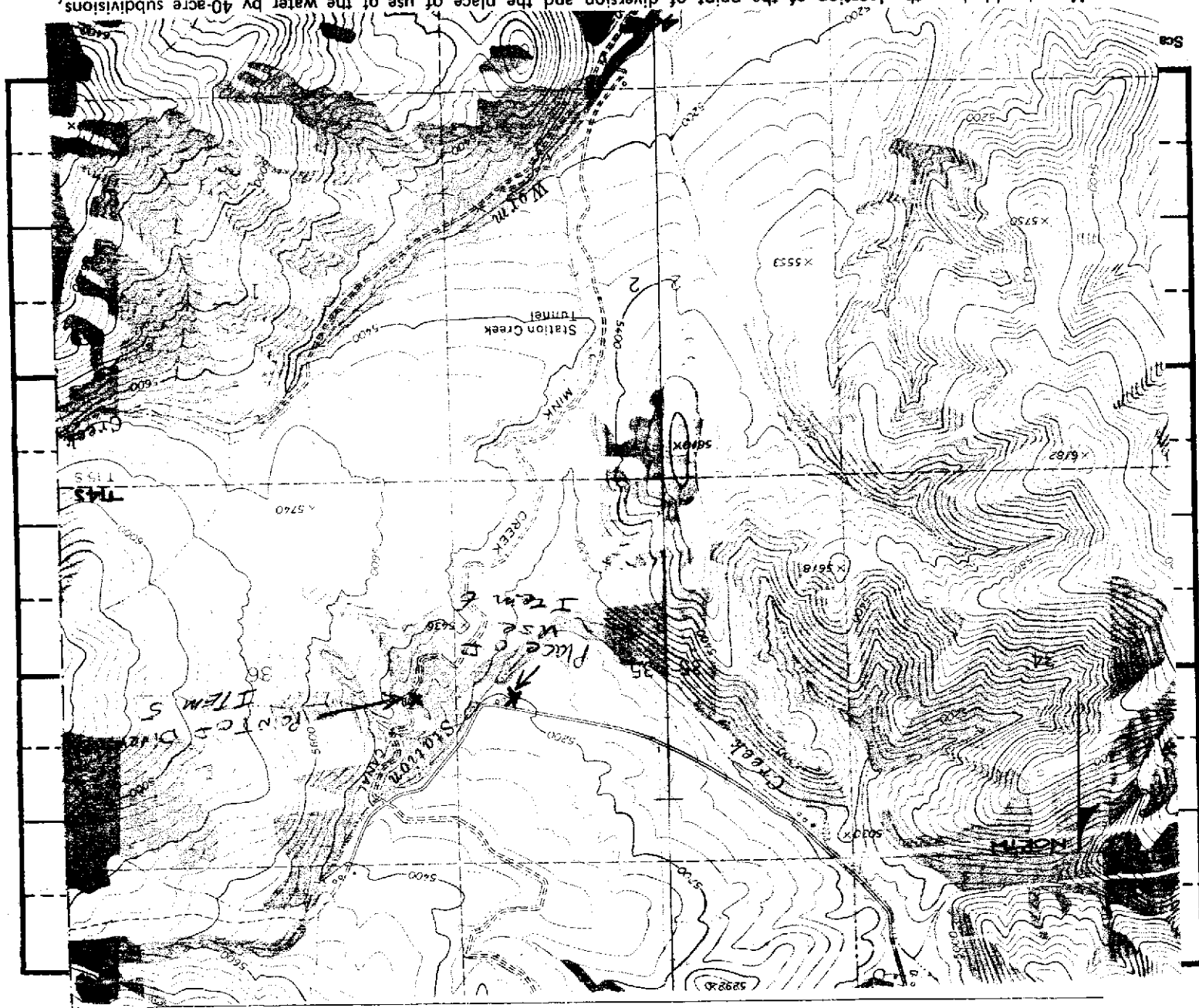
Sworn to before me this 20 day of June 1983
Notary Public
Residing at Preston, ID 83963

My commission expires

Received by BR CFR
Prelim. check by BR
\$30.00 fee received by BR
Published in Preston, Idaho
Dates 1/13/84 1/19/84
FOR DEPARTMENT USE ONLY
Date 6-27-83 1/3/84
Exception filed by:
Forwarded to
claimant by:
Date

This spring has served the same single-family household for three generations. Additional evidence can be made available upon request	Remarks
--	----------------

(see attached paper)



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 Franklin) 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.

attendant's knowledge.

Sworn to before me this 25 day of

Notary Public
Residing at _____

Residing at

Forwarded to
claimant by:

Date _____

1/3/84 FOR DEPARTMENT USE ONLY

Date

Date _____

Date _____

\$30.00 fee re
Published in

Dates

My commission expires

RECEIVED

JUN 27 1983

STATEMENT

Div. of Water Resources
Eagle District Office

I, Elaine Westerberg Wallentine, make this statement concerning the history of the culinary spring serving the property now owned by David Terry and Wendy K Westerberg, based on my own personal knowledge and conversations with Russell Westerberg and his father, Alfred Westerberg.

The family home now owned by Terry Westerberg was built in 1911, on the property described in a warranty deed, file #135555. The house was exceptional for its day with many modern conveniences, including running water. The water was diverted from a spring located at SW 1/4 NW 1/4 of Sec. 36 T.14S.R.40E. The location of the diversion point is the same at the making of this statement. Alfred Westerberg sold the property with water right to Russell and Elaine Westerberg, Book 39, Page 491, #77122. The property and water rights were then sold to David Terry and Wendy K Westerberg (file #135555). The same culinary spring and diversion point have served the old Westerberg home from 1911 to the present date.

The above is a statement of my understanding of the history of the culinary water serving the property described in the warranty deed, file #135555.

WITNESS the hand of Grantor, this 16th day of May, 1983.

Elaine Westerberg Wallentine

STATE OF IDAHO

COUNTY OF FRANKLIN

On this 16th day of May, in the year 1983, before me, Lara E. Johnson, a Notary Public in and for the State of Idaho, personally appeared Elaine Westerberg Wallentine, known to me to be the person whose name she subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

Lara E. Johnson
Notary Public
Preston, Idaho
Residing at

#875

No 2037

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

J. Warren 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

..... Jan. 12, 1984, and endingwith the issue of Jan 19, 1984.....Fee \$ 13.75Subscribed and sworn to before me this 31 dayof Jan., 1984Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

REC 8 1984

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIMS TO
WATER RIGHTS

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

13-4279

WESTERBERG, DAVID TERRY

RFD #2, PRESTON, ID 83263

SOURCE: SPRING trib. to STATION CREEK

Priority Date: 05/01/1911

Diversion Pt: SWNW Sec 36 T 14S R 40E

Use: STOCKWATER (0.02 CFS)

Use: DOMESTIC (0.04 CFS)

In: SENE Sec 35 T 14S R 40E

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

KEN DUNN, Dir.

Published 1/12 & 1/19/84.

Legal No. 2037 -22L- Published January 12, 19, 1984.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 30, 1984

DAVID TERRY WESTERBERG
RFD #2
PRESTON ID 83263

RE: Claim No. 13-4279

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

MICROFILMED

February 3, 1984

RE: Claim to a Water Right No. 13-4279 WESTERBERG

Preston Citizen
P.O. Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on January 12 and 19, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

G. F. RAMSEY

INITIAL REVIEW BY:

OCT 31 1983

3 JAN 84

Right Number

13 4279

Applicant

DAVID WESTERBURG

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.

} Don't agree with map

Jan. 30, 1984

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

Feb 9, 1983.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

pc

Date

2/15/84

RECEIVED
FEB 15 1984

Department of Water Resources
MICROFILMED

WATER RIGHT
DATA ENTRY LOG

Date _____

Item

BP

11/4/84

Original form entered

Edit Report Correct

Date: 11/01/2014

Date of Hearing

Date Approved/Denied _____

(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Updated

Transfer Updated

Keypunched by State Office

November 16, 1983

David Westerberg
Rt. #1
Preston, ID 83263

Dear Mr. Westerberg:

On June 27, 1983 the Department of Water Resources received your claim to a water right filed in accordance with Section 42-242 of the Idaho Code requiring all beneficial use water rights be recorded with the state. This claim was reviewed by our staff and subsequently returned on November 1, 1983 with a cover letter outlining the modifications you needed to make for the claim to be in form to process.

The fee at the time you submitted your claim was \$30.00. However, starting July 1, 1983 the statutory fee for filing a claim was substantially increased to \$100.00.

Since your claim was originally received when the lower fee was in effect, we will accept your claim at that rate provided it has been corrected and returned no later than January 3, 1983. A returned claim postmarked later than January 3, 1983 will be assessed the current filing fee of \$100.00.

Staff at our office will be glad to answer questions or assist you in properly completing the claim form.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

7-11-83

November 1, 1983

David Westerberg
Rt. 1
Preston, ID 83263

Dear Mr. Westerberg:

I am unable to complete action on your claim to a water right until you provide an adequate map for your claim. The map on your original form indicates it is for T. 8N, R. 4W.

I have enclosed a map of your area. Please mark the map with the point of diversion and place of use. From your points of diversion (item 5) and place of use (item 6) this map should show both points.

Please return the map attached to your claim to this office as soon as possible. If you have any questions, please call (525-7161) or come to the Regional Office.

Sincerely,

GERALD F. RAMSEY
Radiologist Specialist

GFR:bp

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 4, 1984

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 JANUARY 30, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 1/12 & 1/19/84.

RECEIVED
JAN 23 1984
WATER RESOURCES
DIVISION

13-4229

WESTERBERG, DAVID TERRY

RFD #2, PRESTON, ID 83263

Source: SPRING trib. to STATION CREEK

Priority Date: 05/01/1911

Diversion Pt: SNNW Sec 36 T 14S R 40E

Use: STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: SENE Sec 35 T 14S R 40E

*Proofed over phone
1/14/84 Jk*

MICROFILMED