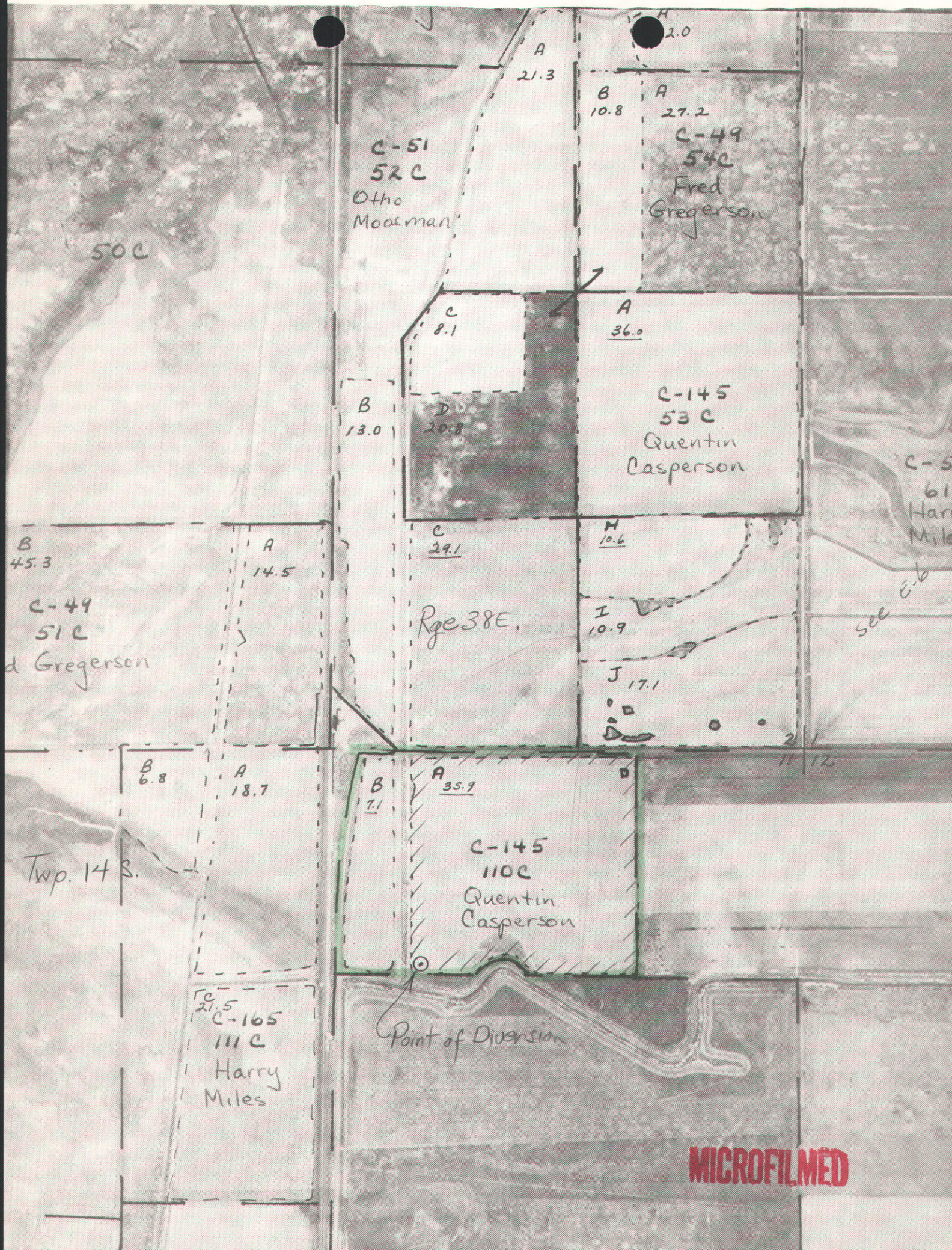




STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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 Verlyn J. Reay  
(Name of Claimant)  
Route #3, Preston, ID 83263 Telephone No. 852-2353  
(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) April 1, 1970

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)  
Banida Drain 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:

| (cfs, gpd, AFA) |                 | (Domestic, Irrigation, Stock, Etc.) |                   | (Both dates inclusive)            |                  |
|-----------------|-----------------|-------------------------------------|-------------------|-----------------------------------|------------------|
|                 |                 |                                     |                   | (Mo., Day)                        | (Mo., Day)       |
| Quantity        | <u>1.30 cfs</u> | Use                                 | <u>irrigation</u> | Period of Use From <u>April 1</u> | To <u>Nov. 1</u> |
| Quantity        |                 | Use                                 |                   | Period of Use From                | To               |
| Quantity        |                 | Use                                 |                   | Period of Use From                | To               |
| Quantity        |                 | Use                                 |                   | Period of Use From                | To               |
| Quantity        |                 | Use                                 |                   | Period of Use From                | To               |

(4) 1.30 cfs TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW ¼ NE ¼, Sec. 11 Twp. 14S Rge. 38E B.M., County of Franklin  
Additional points of diversion:

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. 6 cylinder propane engine drives a centrifugal pump, with 6" and 5" portable mainline and two ½ wheel line sprinklers.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is 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 |       |
| 14S | 38E | 11   | 11  | 25  |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 36    |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 36

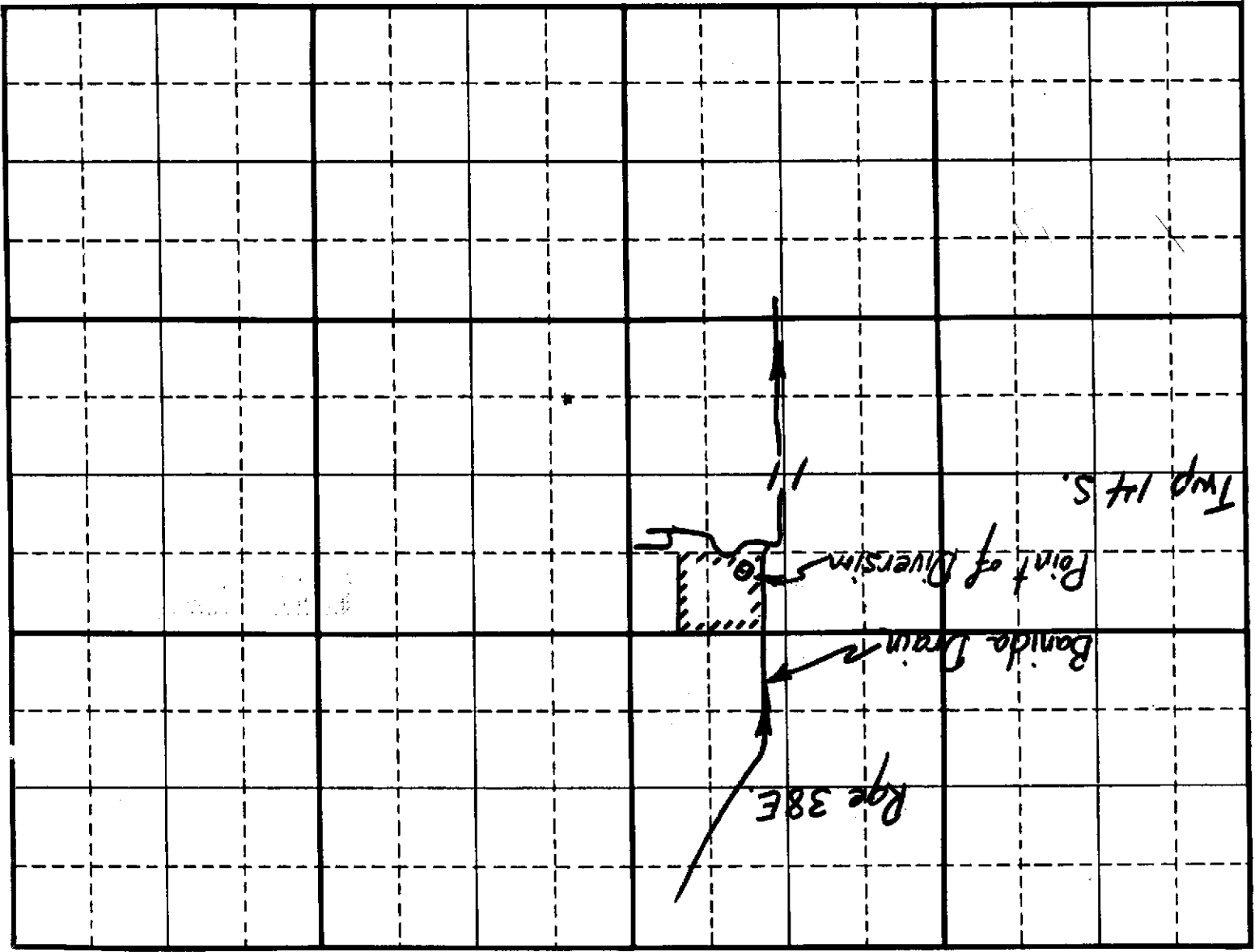
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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:

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(8) Remarks This claim is based on a letter written by J. D. Williams to Ron Carlson on 2/27/1975 concerning the use of this water by Dewayne Olsen and Quinten Caspersen, previous owners of property.



State of Idaho  
) ss. Bonville  
) County of

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 27 day of August, 1980

Kathryn A. Woodard  
Notary Public  
Residing at Idaho Falls

My commission expires 2/15/1983

FOR DEPARTMENT USE ONLY

Drafted by EMC  
Prelim. check by SKP  
Published in Preston Citizen  
9/11 & 9/18/80  
Dates  
Exception filed by: 8-27-1980  
Date 9/2/80  
Forwarded to claimant by: 8/27/80 #14983  
Date

# 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

Oct 16, 1980, and ending

with the issue of Oct 23, 1980.

Fee \$ \$9.21

Subscribed and sworn to before me this 31st day

of Oct, 1980.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

## NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4132 in the name of Verlyn J. Reay was advertised incorrectly on September 11 and 18, 1980. The point of diversion and place of use were advertised as being within Sec. 11, T. 14S, R. 38E, Franklin County.

Whereas, the actual point of diversion and place of use are located within Sec. 11, T. 14S, R. 38E, Franklin County.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED  
Director

Legal No. 1223 - 18L - Pub. Oct. 16 and 23, 1980.

RECEIVED

NOV 12 1980

Department of Water Resources  
Eastern District Office

MACROFILMED

# AFFIDAVIT OF PUBLICATION

*Re-Ad papers cost*

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

*Sept. 11*, 19*80*, and ending with the issue of *Sept. 18*, 19*80*.

*J. Walter Ross*

Fee \$ *1451*

Subscribed and sworn to before me this *30th* day of *Sept.*, 19*80*.

*Kevin O. Allen*

Notary Public, Residing at Preston, Idaho

My Commission Expires *June 7*, 19*82*

## NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4132

REAY, VERLYN J.

RT. 3, PRESTON, ID. 83263

Source: BANIDA DRAIN tributary to BEAR RIVER

Priority Date: 04-01-1970

Amount: 1.30 CFS

Diversion Point: NWNE Sec 11 T 145 R 38E, FRANKLIN Co.

Use: IRRIGATION (1.30 CFS) from 04-01 to 11-01

Place of Use: NENE NWNE Sec 11 T 145 R 38E FOR 36 ACRES

Diversion Means: PUMP, PIPELINE & SPRINKLERS.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Legal No. 1198 - 29L - Pub. Sept. 11 and 18, 1980.

RECEIVED

OCT 3 1980

Department of Water Resources  
Eastern District Office

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SOC

C-51  
52C  
Otho  
Moorman

A  
21.3

B  
10.8

A  
27.2

C-49  
54C  
Fred  
Gregerson

C  
8.1

A  
36.0

B  
13.0

C-145  
53C  
Quentin  
Casperson

A  
45.3

A  
14.5

C  
29.1

H  
10.6

C-49  
51C  
Gregerson

Rge 38E.

I  
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B  
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A  
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B  
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35.9

Twp. 14 S.

C-145  
110C  
Quentin  
Casperson

C  
21.5  
C-105  
111C  
Harry  
Miles

Point of Diversion

WED

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Skip

Right Number 13 4132

Applicant Verlyn J. Reay

NOTE: 13-4132 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.
- 9/29

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 11-17-1980.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Lawrence Date 11/26/80

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

SEPTEMBER 29, 1980

VERLYN J. REAY  
RT. 3  
PRESTON

ID 83263

RE: Claim No. 13-4132

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**

October 9, 1980

RE: Notice of Correction No. 13-4132 REAY

Preston Citizen  
Box 472  
Preston, Idaho 83263

Gentlemen:

We are resubmitting a legal notice to be published on October 16 and October 23, 1980. This notice was originally published in your paper on September 11 and 18, 1980. Unfortunately, it was advertised incorrectly. As we did not receive a galley proof, we had no way of checking the accuracy of this notice before it went to print. We, therefore, request this be readvertised again at your expense.

Please submit a galley proof before the first dates we have requested, assuming the notice is correct. If we have any corrections, we will notify you before the first date of publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by November 3, 1980. Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER  
Secretary

Enclosure

CW:kw

**MICROFILMED**

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4132 in the name of Verlyn J. Reay was advertised incorrectly on September 11 and 18, 1980. The point of diversion and place of use were advertised as being within Sec. 11, T. 14S, R. 38E, Franklin County.

Whereas, the actual point of diversion and place of use are located within Sec. 11, T. 14S, R. 38E, Franklin County.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED

Director

Published in the Preston Citizen 10/16 and 10/23/80.

**MICROFILMED**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

September 29, 1980

RE: Claim to a Water Right No. 13-4132 Verlyn Reay

Ben B. Johnson  
Attorney and Counselor at Law  
First Security Bank Bldg.  
Preston, ID 83263

Dear Mr. Johnson:

I have reviewed your letter of September 16, 1980, concerning objections to Verlyn J. Reay's Claim to a Water Right numbered 13-4132 and find it necessary to return your letter since it is not in proper form. If your of the opinion Mr. Reay's Claim is in error you should submit an exception to the Claim. The exception as discussed in Section 42-225b of the Idaho Code, must specify why the Claim is incorrect and should be in affidavit form, i.e. signed in the presence of a notary public. An exception to the Claim can be submitted to the Department at any time. A blank affidavit form is enclosed for your convenience.

Respectfully submitted,

*Ernest Carlson*  
ERNEST CARLSEN  
Sr. Resource Analyst

EC:kw  
Enclosure

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

SEPTEMBER 4, 1980

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 SEPTEMBER 29, 1980.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

**MICROFILMED**

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 9/11 & 9/18/80.

**MICROFILMED**

13-4152

REAY, VERLYN J.

RT. 3, PRESTON, ID 83263

Source: BANIDA DRAIN tributary to BEAR RIVER

Priority Date: 04/01/1970

Amount: 1.30 CFS

Diversion Point: NWNE Sec 11 T 14S R 38E, FRANKLIN Co.

Use: IRRIGATION (1.30 CFS) from 04/01 to 11/01

Place of Use: NENE NWNE Sec 11 T 14S R 38E FOR 36 ACRES

Diversion Means: PUMP, PIPELINE & SPRINKLERS.

**MICROFILMED**