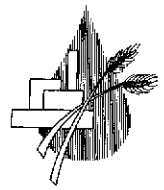


No Color
Documents
In File

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 Marvin Chadwick Golightly &/or Richard N. Owens
(Name of Claimant)

RFD #2, Box 105, Preston, ID 83263 Telephone No. 852-2418
(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, 1910

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)
unnamed drain tributary to Cub River Canal

(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	0.03 cfs	Use	stockwater	Period of Use From	April 15 To Dec. 31
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) 0.03 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 34 Twp. 15S Rge. 39E B.M., County of Franklin
Additional points of diversion: SW ¼ SE ¼, Sec. 34, T. 15S, R. 39E.

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. Ditch into and out of two pastures in two different places. Prior to April, 1910.

(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	
15S	39E	34															X	X	

No. of acres 0

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Water for cattle that are pastured in one 15 acre pasture and another 9 acre pasture.

NOTE: Include here the type and number of stock watered: 60 head cattle.

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

MICROFILMED

1. **Identify the main topic of the text.**
 2. **Summarize the main points of the text.**
 3. **Identify the author's purpose in writing the text.**
 4. **Identify the author's tone in writing the text.**
 5. **Identify the author's main argument.**
 6. **Identify the author's main evidence.**
 7. **Identify the author's main conclusion.**
 8. **Identify the author's main recommendation.**
 9. **Identify the author's main conclusion.**
 10. **Identify the author's main recommendation.**

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.)
FRANKLIN)

affiant's knowledge.

(Claimant)

Residing at Preston, Idaho

~~Letter~~

Forwarded to _____
Date _____

Received by

Prelim. check by

kw

Date _____

8/19/80 #14971

Dates 9/4 & 9/11/80

Dates

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

Sept. 4, 19*80*, and ending with the issue of *Sept. 11*, 19*80*.

Fee \$ *2301*

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

Kevin D. 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:

13-4130

GOLIGHTLY, MARVIN CHADWICK OWENS, RICHARD N.
RFD 2 BOX 105, PRESTON, ID 83263
Source: UNNAMED DRAIN tributary to CUB RIVER CANAL
Priority Date: 04/01/1910
Amount: 0.03 CFS
Diversion Point: SESE SWSE Sec 34 T 15S R 39E, FRANKLIN Co.
Use: STOCKWATER (0.03 CFS) from 04/15 to 12/31
Place of Use: SWSE SESE Sec 34 T 15S R 39E
Diversion Means: DITCH.

13-4131

REAY, VERLYN J.
RT. 3, PRESTON, ID 83263
Source: SPRING CREEK tributary to SINKS
Priority Date: 05/03/1946
Amount: 120.0 AC-FT
Diversion Point: SWSE Sec 34 T 13S R 39E, FRANKLIN Co.
Use: IRRIGATION STORAGE (60.0 AC-FT) from 03/01 to 11/01
IRRIGATION FROM STORAGE (120.0 AC-FT) from 04/01 to 11/01
Place of Use: NWNE NENW SENW Sec 12 T 14S R 38E FOR 73 ACRES
Diversion Means: CASPERSON DAM, DITCHES, PUMP AND SPRINKLER SYSTEM.

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. 1191 - 46L - Pub. Sept. 4 and 11, 1980.

RECEIVED

OCT 3 1980

Department of Water Resources
Eastern District Office

I. Myrtle D. Delightly was
married January 19th, 1910 and I
remember there was cattle that were
watered from the drain water on the
south side of section 34 the summer
after I was married.

Then after the fence was made
a "D" shape trench was made
to divert the water into and
out of the pasture.

There has never been farming on the
ground it has always been in
pasture for cattle.

Myrtle D. Delightly

MICROFILMED

The following is a statement of
Joseph Melvin Snyder regarding
the drain water running west to
east along bottom of Section 34 at
Preston, Idaho. Township 15.

I remember that the road along the
South side of section 34 was there in
the 1920's. All drain-off water would
have to be going east on the north
side of the road.

Joseph Melvin Snyder

The following is a statement of Richard N. Owens regarding the drain water running west to east along bottom of section 34 at Preston Idaho. Township 15.

The road along the south side of section 34 was there as long as I can remember. The waste water had to run from west to east. I remember when the first drain was put in by George Hodges in about 1930. Two others, Mark Shaffer and Auraul Christensen soon followed and put in drains which run down this same ditch.

Richard N Owens

RECORDED

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 Marvin Chadwick Golightly and Richard A. Owens
(Name of Claimant)
RFD# 2 Box 105 Preston Idaho 83263 Telephone No. 852-2418
(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, 1910

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)
UNNAMED drain tributary to Cub River Canal

(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, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)		
Quantity <u>0.3 cfs</u>	Use <u>Stock</u>	Period of Use From <u>April 15</u>	To <u>Dec 31</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) 0.3 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 35 1/4, Sec. 34 Twp 15 Rge. 39 E 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, if as specific as possible. Describe any changes in the system and give the date of the change.
Ditch into and out of two pastures in two different places. Prior to April, 1910

(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.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
155	39 E	34															X	X	

No. of acres 0

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
water for cattle that are pastured in one 15 acre pasture and another 9 acre pasture

NOTE: Include here the type and number of stock watered: Cattle 60 head

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

RECORDED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

Right Number 13 4130

Applicant Delightly & Owens

NOTE: 13-4130
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.

proofed over
phone 9/2/80
ok kw

9/22

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 10-7-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Harvorn Date 10/15/80

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 22, 1980

MARVIN CHADWICK GOLIGHTLY
RICHARD N. OWENS
RFD 2 BOX 105
PRESTON

ID 83263

RE: Claim No. 13-4130

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



September 25, 1980

RE: Claim to a Water Right No. 13-4131 REAY
No. 13-4130 GOLIGHTLY & OWENS

Preston Citizen
Box 472
Preston, Idaho 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 September 4 and 11, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 29, 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 22, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

100-100000

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 9/04 & 9/11/80.



13-4130-

GOLIGHTLY, MARVIN CHADWICK
OWENS, RICHARD N.

RFD 2 BOX 105, PRESTON, ID 83263

Source: UNNAMED DRAIN tributary to CUB RIVER CANAL

Priority Date: 04/01/1910

Amount: 0.03 CFS

Diversion Point: SESE SWSE Sec 34 T 15S R 39E, FRANKLIN Co.

Use: STOCKWATER (0.03 CFS) from 04/15 to 12/31

Place of Use: SWSE SESE Sec 34 T 15S R 39E

Diversion Means: DITCH.

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

August 19, 1980

Marvin Chadwick Golightly
and Richard N. Owens
RFD #2, Box 105
Preston, ID 83263

Dear Sirs:

Enclosed please find Receipt No. 14971 for your Claim to a Water Right along with a typed copy of the claim. The typed claim reflects a minor correction for the legal descriptions of the points of diversion in item 5 based on the plat map of the original claim. I suggest you review the claim and provided it is correct, sign it in the presence of a notary and return it to this office for regional processing.

Respectfully submitted,

Ernest Carlson

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure