

7

Territory of Idaho } In the District Court of the  
County of Oneida } Third Judicial District.

October term Therefor 1883.

Anchor Kofford, Rasmus Neilson C.B. Jensen  
E.E. Schoanerveldt H. Jensen Neils Geongeron  
J. Smith William Dees Hans Larsen Neils Jensen  
H.C. Hansen Noah Lindsay John Coburn  
J.H. Clark John Maughan Sen. Henry Gasman Sen.  
Adam Sanberg M. Christensen T. Nilsen  
Wick Loosley W. Andersen Henry Jensen J. Mickelsen  
Olson Neils Christensen C.C. Goodwin Elizabeth Gill  
James W. Leonard, Christensen J. Koffard, J. Sanberg  
J.L. Harmon, Loren Sanderson L. Petersen,  
A. Simonds Charles Goodwin and William  
Goodwin under firm name of Goodwin Bros.  
J.L. Jergensen Peter Mickelsen Henry Rose  
W. Allen James Harrison Sen. Warren Gifford  
Neils Neilson Mrs J. Jensen, Thomas Hull  
John Evans Frederick Coburn W. Robbins  
John A. Campbell, Tary Koffard Theodore  
Linguist James Rose Joseph Coburn Hannah  
Benson John Dees M.P. Fifield and C.B. Fifield  
Plaintiffs against Warner Kapps, David  
Lapray Wm. Coburn Henry McCalloch, John  
Palmer Joseph Knudsen Charles Norton  
Wm. Bell Ferdinand Fredrickson Samuel  
Briston and Richard Campbell  
Defendants

And now his cause coming on to  
be heard in vacation, it having been  
agreed by and between the attorneys for  
the respective parties that the same  
should be decided in vacation as of  
the last term of <sup>the said</sup> Court and the Court  
having fully considered the evidence in  
said cause, the law pertaining thereto and  
the agreement of Counsel and being fully  
advised in the premises, it is ordered

adjudged and decreed that the following named persons are entitled under the law and the facts in this case to the amount of the water of Weston Creek aforesaid as are set opposite their names respectively, and estimated according to the custom in force in the community, and that the said water by the number of acres which each of said persons is entitled to irrigate with one or two exceptions therein named, to wit:

|                    |                             |
|--------------------|-----------------------------|
| A. Rose            | Twenty nine acres           |
| A. Lindsey         | Seventeen "                 |
| J. Larson          | Twenty four "               |
| J. Mickelson       | Twenty seven "              |
| C. Christensen     | Sixteen "                   |
| A. Cassman         | Twenty seven "              |
| J. Simmon          | Thirty one "                |
| L. Peterson        | Thirty Eight "              |
| J. P. Anderson     | Twenty two "                |
| A. Sandberg        | Thirty six $\frac{2}{3}$ "  |
| A. Simmons         | Twenty five $\frac{3}{4}$ " |
| H. Jensen          | Twenty six "                |
| J. Sandberg        | Five $\frac{1}{4}$ "        |
| James S. Anderson  | Five $\frac{1}{4}$ "        |
| J. Harneson        | Fourteen $\frac{1}{2}$ "    |
| C. C. Goodwin      | Six $\frac{1}{2}$ "         |
| C. M. Christensen  | Forty three "               |
| H. C. Hansen       | Forty four $\frac{1}{2}$ "  |
| E. C. Schoenewaldt | Thirty seven "              |
| Wm. Dees           | Twenty two "                |
| J. Kofford         | Nine $\frac{3}{4}$ "        |
| A. Larsen          | Seventeen "                 |
| T. L. Nelson       | Twenty six $\frac{1}{2}$ "  |
| A. M. C. Culloch   | Thirty one $\frac{2}{3}$ "  |
| T. Kofford         | Thirty six "                |
| M. Soorley         | Sixty two "                 |
| H. Jensen          | Fifteen "                   |
| C. B. Jensen       | Twenty seven "              |

|                  |                                                           |
|------------------|-----------------------------------------------------------|
| E. Gill          | Twenty seven Acres                                        |
| C. Olson         | Thirty three "                                            |
| Goodwin Bros     | Thirty $\frac{1}{2}$ "                                    |
| N. Jorgensen     | One hundred & twenty two "                                |
| J. Coburn        | Twenty three "                                            |
| R. Neilson       | Thirty seven "                                            |
| L. Lauritzen     | Twenty "                                                  |
| John Maughan     | Fifty Eight $\frac{2}{3}$ "                               |
| Peter Michelsen  | Eleven $\frac{2}{3}$ "                                    |
| M. P. Fifield    | Forty $\frac{1}{2}$ "                                     |
| J. H. Clark      | Seventeen "                                               |
| A. Koford        | Six $\frac{2}{3}$ "                                       |
| J. Smith         | Six $\frac{2}{3}$ "                                       |
| C. B. Fifield    | Fifteen "                                                 |
| F. Campbell      | Nine $\frac{2}{3}$ "                                      |
| M. Christensen   | Five $\frac{1}{2}$ "                                      |
| S. Preston       | Ten "                                                     |
| Warner Hoopes    | Forty five "                                              |
| X William Coburn | Fifteen acres & the waters of <sup>Put Shave Creek.</sup> |
| C. Norton        | Twenty two Acres                                          |
| David Lapray     | Fifteen "                                                 |
| R. Campbell      | Sixty three "                                             |
| J. Knudsen       | Thirty two $\frac{1}{2}$ "                                |
| F. Frederickson  | Fifty five "                                              |

It is further ordered adjudged and decreed that the town of Weston is entitled to one irrigating stream for irrigating and domestic purposes

That P. Michelsen & J. Michelsen are entitled to the waters of Black Canon Creek

That if at any time the waters of Weston Creek are not sufficient to properly irrigate the above amt of land the said waters are to be divided pro rata as above set forth, under the direction of the water master according to the respective rights of the parties as above set forth as to

quantity.

It is further ordered, adjudged and decreed that the distribution of the said waters of Weston Creek shall be under the direction and control of a water master, to be allotted in accordance with the Act regulating the distribution of water ~~and that~~ approved Feb. 7 1881., with such assistants as may be necessary for each of the respective ditches the whole distribution to be under the control and direction of such water master for Weston Creek as aforesaid.

It is further ordered and decreed that the injunction heretofore ordered and issued in this cause be and the same is hereby dissolved.

It is further ordered adjudged and decreed that the costs in this action taxed at one hundred and seventy four &  $\frac{40}{100}$  dollars together with the sum of forty eight dollars due J. O. Caldwell Special Commissioner be equally divided as near as may be between the parties Plaintiff and Defendants and that unless said costs are paid in full within the next sixty days that executors shall issue therefor as in other cases.

John T. Morgan  
Judge 3<sup>rd</sup> Dis Court  
J. S.

Recorded at the request of Joseph Caburn  
July 18<sup>th</sup> 1892

C. T. Woods  
Clerk x

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 Morgan Buttars  
Weston, Idaho 83286 (Name of Claimant) Telephone No. 747-3248  
(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, 1965

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)  
Pest House Creek tributary to Weston 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, gpd, AFA) | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)    |            |
|----------|-----------------|-------------------------------------|---------------------------|------------|
|          |                 |                                     | (Mo., Day)                | (Mo., Day) |
| Quantity | 6 AF            | Use Storage for irrig.              | Period of Use From Jan. 1 | To Dec. 31 |
| Quantity | 168 AF          | Use Irrig. from Storage             | Period of Use From Apr. 1 | To Nov. 1  |
| Quantity | 6 AF            | Use Storage for fish                | Period of Use From Jan. 1 | To Dec. 31 |
| Quantity |                 | Use propogation                     | Period of Use From        | To         |
| Quantity |                 | Use                                 | Period of Use From        | To         |
| (4)      | 168 AF          | TOTAL QUANTITY USED.                |                           |            |

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NE ¼ NW ¼, Sec. 30 Twp. 15S 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. small earth fill dam forming a reservoir with a capacity of 6AF. Diversion from reservoir is regulated by a metal screw gate.

(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 | 38E | 30   |     |     |     |     | 10  |     |     | 38  | 20  |     |     | 35  |     |     |     |     | 103   |
|     |     | 31   |     |     |     |     |     |     |     |     |     |     |     |     |     | 20  | 20  | 30  | 70    |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

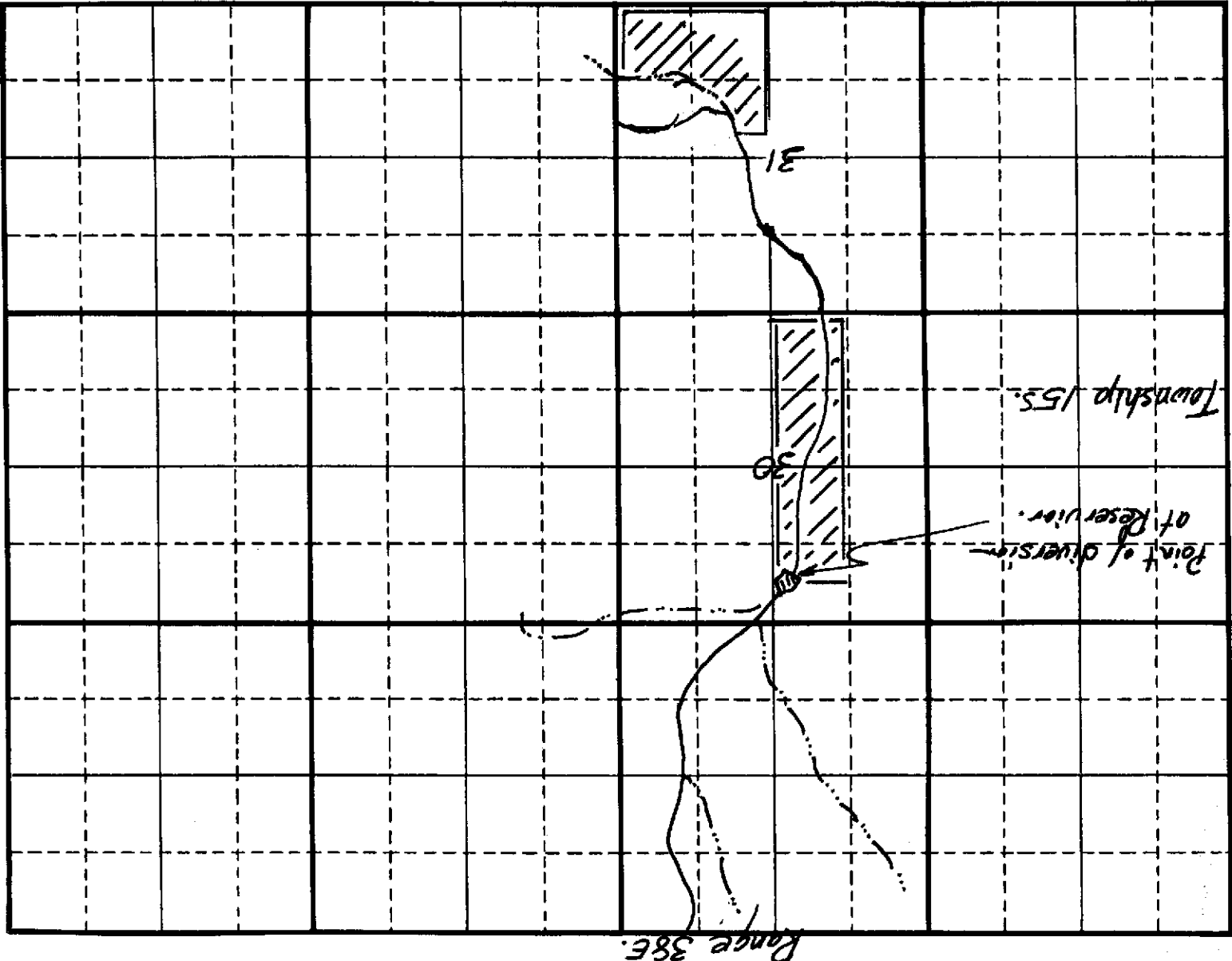
No. of acres 173

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
The on-stream reservoir is stocked with fish for private use.

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.

Scale: 2 inches equal 1 mile.

State of Idaho )  
County of Bonneville )  
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 28th day of February, 1979.  
(Claimant) *William Smith*

Notary Public  
Residing at Idaho Falls, Idaho  
*Charles McKay*

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by dh Date 2-28-79  
Prelim. check by *BMC* Date 2-28-79  
\$20.00 fee received by dh Date 2-28-79  
Published in Preston Citizen #12927  
Exception filed by: Forwarded to  
Dates March 8 & 15, 1979

My name is Sterling Bingham. I have lived in the  
Weston, Idaho area all my life, and have farmed here  
for forty years. All the waters from the Pest House  
Creek and all tributaries has always been used on  
the old William Coburn farm, which belongs to Morgan  
Buttars of Weston, Idaho at the present time.

Date-- February 23, 1979

Sara C. B. Fisher  
State of Idaho  
2-27-79  
Sifitimo

Sterling A. Bingham  
2-27-1979

MICROFILMED

My name is Dick Lemmon. I have lived in the Weston,  
Idaho area all my life, and have farmed here for fifty  
years. All the waters from the Pest House Creek and  
all tributaries has always been used on the old  
William Coburn farm, which belongs to Morgan Buttars  
of Weston, Idaho, at the present time.

Date--February 23, 1979

*Dick Lemmon*

2-27-1979

*Sam B. Fisher  
State of Idaho  
2-27-1979  
Lefelton*

ENCLOSURE

My name is George Fredrickson. I have lived in the Weston,  
Idaho area all my life, and have farmed here for fifty  
years. All the waters from the Pest House Creek and  
all tributaries has always been used on the old  
William Coburn farm, which belongs to Morgan Buttars  
of Weston, Idaho, at the present time.

Date--February 23, 1979

*Carol B. Fulin*  
*State of Idaho*  
*2-27-1979*  
*Lifetime*

*Geo. Fredrickson*  
*Feb 27. - 1979.*

RECEIVED

My name is Boyd Phillips. I have lived in the Weston,  
Idaho area all my life, and have farmed here for twenty-  
five years. All the waters from the Pest House Creek and  
all tributaries has always been used on the old  
William Coburn farm, which belongs to Morgan Buttars  
of Weston, Idaho, at the present time.

Date--February 23, 1979

David B. F. refer  
Sta 6 at Idaho  
2-27-1979  
Sefetina

Boyd Phillips  
Weston, Idaho

UNRECORDED

My name is Bob White. I have lived in the Weston,  
Idaho area all my life, and have farmed here for thirty  
years. All the waters from the Pest House Creek and  
all tributaries has always been used on the old  
William Coburn farm, which belongs to Morgan Buttars  
of Weston, Idaho, at the present time.

Date--February 23, 1979

*Harold B. Smith  
Sta 6 of Idaho  
2-27-79  
Lifetime*

*Bob White*  
*2-27-79*

**MICROFILMED**

My name is Kenton Fredrickson. I have lived in the Weston,  
Idaho area all my life, and have farmed here for forty  
years. All the waters from the Pest House Creek and  
all tributaries has always been used on the old  
William Coburn farm, which belongs to Morgan Buttars  
of Weston, Idaho, at the present time.

Date--February 23, 1979

Kenton L. Fredrickson  
Weston Idaho 83286

David B. Fisher  
State of Idaho  
2-27-1979  
Lifetime

MICROFILMED

... Please send  
2/100 for Recording Copies

Oneida County Recorder  
P.O. Box 190  
Malad, Idaho  
83252

T

Territory of Idaho } In the District Court of the  
County of Oneida } Third Judicial District.

October term Therefor 1883.

Anchor Kofford, Rasmus Neilson C.B. Jensen  
E.C. Schoonveldt H. Jensen Neils Geongerson  
J. Smith William Dees Hans Larsen Neils Jensen  
H.C. Hansen Noah Linsday John Coburn  
J.H. Clark John Manghan Sen. Henry Gasmander  
Adam Sanberg C.M. Christensen T.S. Nelson  
Wich Loosley W. Andersen Henry Jensen J. Mickelson  
Olsen Neils Christensen C. Goodwin Elizabeth Gill  
James W. Leonard, Christensen J. Koffard, J. Sanberg  
J. L. Harmon, Loren Sanderson L. Petersen,  
A. Simonds Charles Goodwin and William  
Goodwin under firm name of Goodwin Bros.  
J.L. Jorgensen Peter Mickelson Henry Rose  
W. Allen James Harrison Sen. Warren Gifford  
Neils Neilson Mrs. J. Jensen, Thomas Hull  
John Evans Frederick Coburn W. Robins  
John A. Campbell Tary Koffard Theodore  
Lingquist James Rose Joseph Coburn Hannah  
Ranson John Dees M.P. Duffield and C.B. Duffield  
Plaintiffs against Warner Happs, David  
Lapray Wm. Coburn Henry Wm. Calloch, John  
Palmer Joseph Knudsen Charles Norton  
Wm. Bull Ferdinand Fredrickson Samuel  
Norton and Richard Campbell

Defendants

And now his cause coming on to  
be heard in vacation, it having been  
agreed by and between the attorneys for  
the respective parties that the same  
should be decided in vacation as of  
the last term of <sup>the said</sup> Court and the Court  
having fully considered the evidence in  
said cause, the law pertaining thereto and  
the agreement of Counsel and being fully  
advised in the premises, it is ordered

adjudged and decreed that the following named persons are entitled under the law and the facts in this case to the amount of the water of Weston Creek aforesaid as are set opposite their names respectively, and estimated according to the custom in force in the community and that the said water by the number of acres which each of said persons is entitled to irrigate with one or two exceptions therein named, to wit:

|                    |                             |
|--------------------|-----------------------------|
| A. Rose            | Twenty nine acres           |
| A. Lindsey         | Seventeen "                 |
| G. Larson          | Twenty four "               |
| J. Mickelson       | Twenty seven "              |
| C. Christensen     | Sixteen "                   |
| A. Gassman         | Twenty seven "              |
| J. Simmons         | Thirty one "                |
| L. Peterson        | Thirty Eight "              |
| J. V. Anderson     | Twenty two "                |
| A. Sandberg        | Thirty six $\frac{2}{3}$ "  |
| A. Simmons         | Twenty five $\frac{3}{4}$ " |
| H. Jensen          | Twenty six "                |
| J. Sandberg        | Five $\frac{1}{2}$ "        |
| James S. Anderson  | Five $\frac{1}{4}$ "        |
| J. Harrison        | Four $\frac{1}{2}$ "        |
| C. C. Goodwin      | Six $\frac{1}{4}$ "         |
| M. Christensen     | Forty three "               |
| H. C. Hansen       | Forty four $\frac{1}{2}$ "  |
| E. C. Schoenewaldt | Thirty seven "              |
| Wm. Dees           | Twenty two "                |
| J. Kofford         | Nine $\frac{3}{4}$ "        |
| A. Larsen          | Seventeen "                 |
| T. L. Nelson       | Twenty six $\frac{1}{2}$ "  |
| A. M. C. Cidloch   | Thirty one $\frac{2}{3}$ "  |
| T. Kofford         | Thirty six "                |
| M. Soorby          | Sixty two "                 |
| H. Jensen          | Fifteen "                   |
| C. B. Jensen       | Twenty seven "              |

|                  |                                                           |
|------------------|-----------------------------------------------------------|
| Edgill           | Twenty seven Acres                                        |
| Olson            | Thirty three "                                            |
| Goodwin Bros     | Thirty 1/2 "                                              |
| R. Jorgensen     | One hundred & twenty two "                                |
| J. Coburn        | Twenty three "                                            |
| H. Carlson       | Twenty seven "                                            |
| S. Lauritsen     | Twenty "                                                  |
| John Maughan     | Fifty Eight & 2/3 "                                       |
| Peter Michelson  | Eleven 2/3 "                                              |
| Mr. W. Fifield   | Forty & 1/2 "                                             |
| J. W. Clark      | Seventeen "                                               |
| A. Hoford        | Six & 2/3 "                                               |
| J. Smith         | Six & 2/3 "                                               |
| C. B. Fifield    | Fifteen "                                                 |
| R. Campbell      | Nine & 2/3 "                                              |
| M. Christensen   | Five & 1/2 "                                              |
| S. Preston       | Ten "                                                     |
| Warner Hoopes    | Forty five "                                              |
| X William Coburn | Fifteen acres & the waters of <sup>Butt House Creek</sup> |
| C. Norton        | Twenty two Acres                                          |
| David Lapras     | Fifteen "                                                 |
| R. Campbell      | Thirty three "                                            |
| J. Knudsen       | Thirty two 1/2 "                                          |
| F. Grosvickson   | Fifty five "                                              |

It is further ordered adjudged and decreed that the town of Preston is entitled to one irrigating stream for irrigating and domestic purposes.

That P. Michelson & J. Michelson are entitled to the waters of Black Canon Creek.

That if at any time the waters of Weston Creek are not sufficient to properly irrigate the above amt of land the said waters are to be divided pro rata as above set forth, under the direction of the water master according to the respective rights of the parties as above set forth as 4.

quantity.

It is further ordered, adjudged and decreed that the distribution of the said waters of Weston Creek shall be under the direction and control of a water master, to be allotted in accordance with the Act regulating the distribution of water ~~of the State~~ approved Feb'y 1881., with such assistants as may be necessary for each of the respective ditches the whole distribution to be under the contrall and direction of such water master for Weston Creek as aforesaid.

It is further ordered and decreed that the injunction heretofore ordered and issued in this cause be and the same is hereby dissolved.

It is further ordered adjudged and decreed that the costs in this action taxed at one hundred and seventy four &  $\frac{40}{100}$  dollars together with the sum of forty eight dollars due J. O. Caldwell Special Commissioner be equally divided as near as may be between the parties Plaintiff and Defendants and that unless said costs are paid in full within the next sixty days that executors shall issue therefor as in other cases.

John T. Morgan  
Judge 3<sup>rd</sup> Dis Court  
J. S.

Recorded at the request of Joseph Coburn  
July 18<sup>th</sup> 1892

C. T. Woods  
Clerk x

No 841

# 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

Mar. 8

, 1979, and ending

with the issue of

Mar. 15

RECEIVED

Fee \$ 31.08

APR 4 1979

Subscribed and sworn to before me this

Department of Water Resources  
Eastern District Office

of March, 1979.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

## 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:

13-4100

BUTTARS, MORGAN  
WESTON, ID 83286  
Source: PEST HOUSE CREEK tributary to WESTON CREEK  
Priority Date: 04/01/1965  
Amount: 168.0 AC-FT  
Diversion Point: NENW Sec 30 T 15S R 38E,

FRANKLIN CO.

Use: IRRIGATION STORAGE (6.0 AC-FT) from 01/01 to 12/31

IRRIGATION FROM STORAGE (168.0 AC-FT) from 04/01 to 11/01

FISH PROP. STORAGE (6.0 AC-FT) from 01/01 to 12/31

Place of Use: NENW SENW NESW SESW Sec 30 T 15S R 38E NWSE SWSE SESE Sec 31 T 15S R 38E FOR 173 ACRES

Diversion Means: EARTH FILL DAM WITH METAL SCREW GATE

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 3/8 & 3/15/79.

Legal No. 841-31L - Pub. March 8 and 15, 1979.

18  
426

## 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:

13-4103

HARP, CALVIN L.  
STAR ROUTE, PRESTON, ID 83286  
Source: FORSGREN SPRING tributary to SINKS  
Priority Date: 06/10/1959  
Amount: 0.06 CFS

Diversion Point: NESW Sec 31 T 14S R 40E, FRANKLIN CO.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31  
STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 31 T 14S R 40E  
Diversion Means: PIPE & STORAGE TANK

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 3/8 & 3/15/79.

Legal No. 841-28L - Pub. March 8 and 15, 1979

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

MARCH 26, 1979

MORGAN BUTTARS  
WESTON

ID 83286

RE: Claim No. 13-4100

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

ENCLOSURE

April 2, 1979

The Preston Citizen  
Box 472  
Preston, Idaho 83263

Gentlemen:

Re: Application for Permit No. 13-7249 - Checketts  
Claim ~~to~~ Water Right No. 13-4100 - Buttars  
" " " " No. 13-4013 - Sharp

Please send affidavits of publication and certified bills in connection with the above referenced application and claims. The legal notices were to have been published March 8 and 15, 1979. Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

MARCH 2, 1979

Preston Citizen  
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 MARCH 26, 1979.

Yours truly,

RONALD D. CARLSON  
Supervisor

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:

13-4100-

BUTTARS, MORGAN

WESTON, ID 83286

Source: PEST HOUSE CREEK tributary to WESTON CREEK

Priority Date: 04/01/1965

Amount: 168.0 AC-FT

Diversion Point: NENN Sec 30 T 155 R 38E, FRANKLIN Co.

|                         |                                   |
|-------------------------|-----------------------------------|
| Use: IRRIGATION STORAGE | (6.0 AC-FT) from 01/01 to 12/31   |
| IRRIGATION FROM STORAGE | (168.0 AC-FT) from 04/01 to 11/01 |
| FISH PROP. STORAGE      | (6.0 AC-FT) from 01/01 to 12/31   |

Place of Use: NENN SENW NESH SESW Sec 30 T 155 R 38E NWSE SWSE SESE  
Sec 31 T 155 R 38E FOR 173 ACRES

Diversion Means: EARTH FILL DAM WITH METAL SCREW GATE

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 3/8 & 3/15/79.

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State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: R.P.

Right Number \_\_\_\_\_ Applicant Buttars

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 4/25/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jim Date 5/31/79

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