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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 Spatig (Name of Claimant)
Rt. 3 Preston, Idaho 83263 (Mailing Address) Telephone No. 852-0866 (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) June, 1945

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)
Spring Creek Spring tributary to Cub 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>.04 cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity	<u>.04 cfs</u>	Use	<u>Stock water</u>	Period of Use From <u>Jan. 1</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

(4) .08 (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 26 Twp. 15 S Rge. 40 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: be as specific as possible. Describe any changes in the system and give the date of the change. Spring box with 2" pipe conveying water to house & dairy barn.

(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.

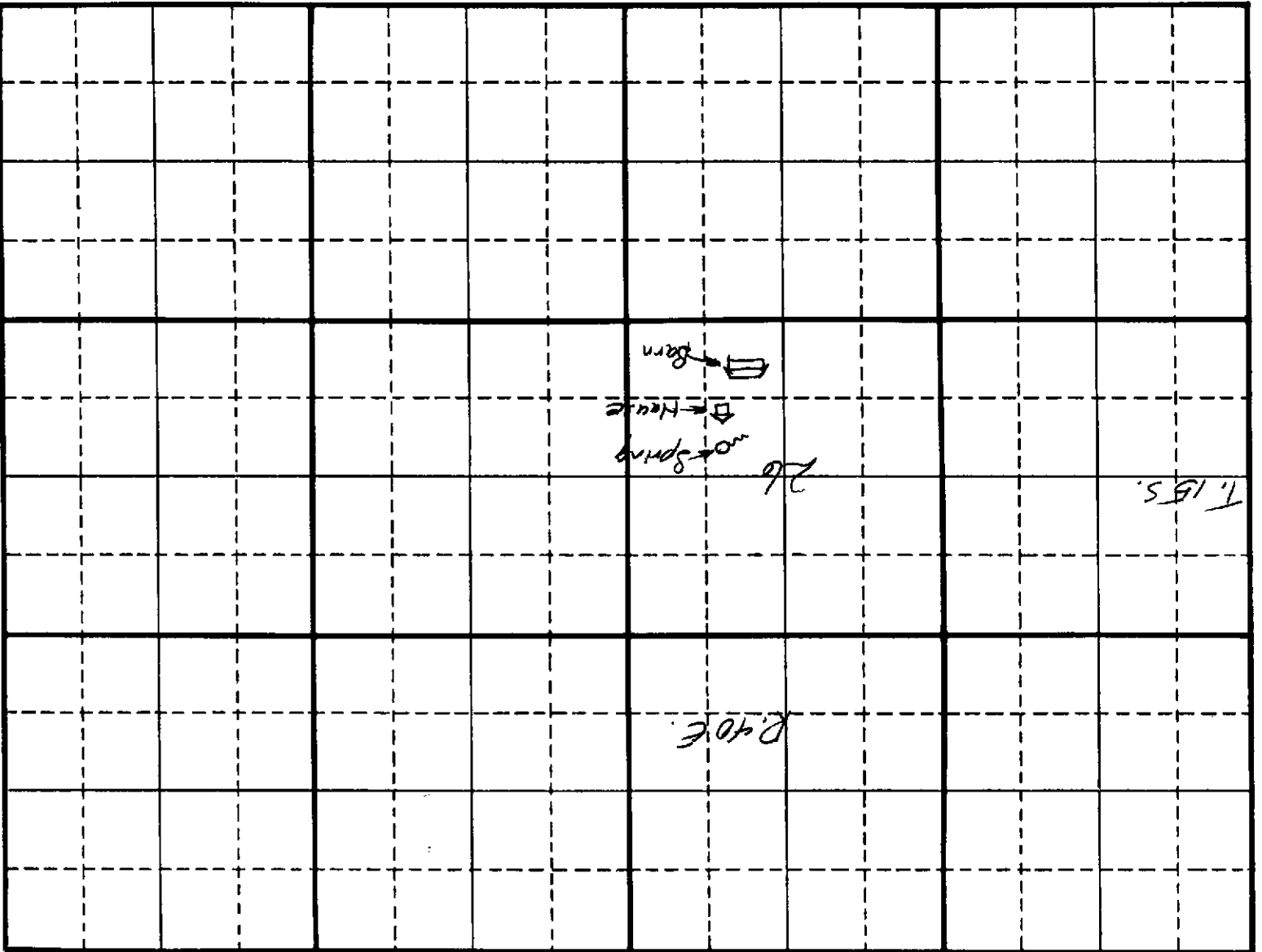
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15 S	40 E	26														X	X		

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
water is used for culinary purposes in one house & dairy barn plus stockwater for dairy herd.

NOTE: Include here the type and number of stock watered: 50 dairy cattle.

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



Scale: 2 inches equal 1 mile.

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 29th day of January, 1919.

Notary Public

Residing at Preston

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by DH

Prelim. check by

\$20.00 fee received by dh

Published in Preston Citizen

Dates February 8 & 15, 1979

Date 1-30-79

Exception filed by:

Date 1-30-79 #12852

Forwarded to claimant by:

Date

That you affiant is the widow of Boris LaGrand Spatig who was in partnership with Marvin Spatig under the name of Spatig Brothers Farm.

That from on or before June 1, 1945, certain waters from Spring Creek Spring have been utilized pursuant to the farming operation or its predecessor. Additionally, in approximately 1962 a dairy barn was erected and Boris LaGrand Spatig put in a headbox and piping to cause the spring water to be piped into the dairy barn as well as your affiant's home.

That the dairy barn of Spatig Brothers Farm currently uses water from the Springs Creek Spring and that your affiant utilizes water from such spring for irrigating her gardens and lawn during the non-winter months.

That your affiant has used such water for irrigating her gardens and lawns continuously from 1962 to the present time.

That your affiant claims an exception to the aforementioned claim to water right filed by Marvin Spatig in order to assure that water will continue to flow to the dairy barn and that your affiant will continue to have such water for the purpose of irrigating gardens and a lawn.

DATED this 26th day of Feb, 1979.

Barbara J. Spatig
Barbara J. Spatig

SUBSCRIBED AND SWORN TO before me this 26 day of Feb, 1979.

Wayne W. Doney
NOTARY PUBLIC FOR IDAHO
Residing at: Preston

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 11, 1979

Marvin Spatis
Route 3
Preston, Idaho 83263

RE: Claim No. 13-4090

Dear Sir:

Enclosed is a copy of an exception filed in connection with your above-referenced claim. This exception is filed in accordance with the provisions of Section 42-244, IDAHO CODE, which states the following in part:

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

Enclosure



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

June 13, 1979

Dennis W. Olley
Racine, Huntley & Olson
P. O. Box 1391
Pocatello, ID 83201

Dear Sir:

Re: Claim to Water Right No. 13-4090 - Spatig

We have received the exception dated February 26, 1979, filed in behalf of
Barbara J. Spatig
against the above referenced claim to a water right. The following is a
quote from the provisions of the Idaho Code under which this claim has been
filed:

42-225b. Recording of claims by department---Corrections -
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights. If you have any questions regarding this matter, please contact me.

Very truly yours,

/s/ RONALD D. CARLSON
Supervisor, Eastern Region

RDC:dh

LAW OFFICES OF
RACINE, HUNTLEY & OLSON
CHARTERED

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
D. JAMES MANNING
W. MARCUS W. NYE

CENTER PLAZA - CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201

TELEPHONE
AREA CODE 208
232-6101

GARY L. COOPER
DENNIS W. OLLEY

February 27, 1979

Director C. Stephen Allred
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

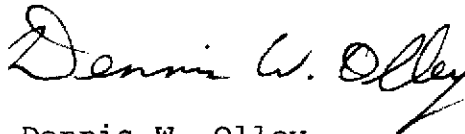
RE: Claim to Water Right by Marvin Spatig - 13-4090
Exception

Dear Mr. Allred:

Enclosed please find a fully executed original and copy of Barbara J. Spatig's Affidavit in support of her Exception to the Claim of Water right made by Marvin Spatig.

Should you desire further information or if you have any questions, please do not hesitate to contact this office.

Very truly yours,



Dennis W. Olley

DWO/tb

cc: Barbara Spatig

RECEIVED

FEB 28 1979

Department of Water Resources
Eastern District Office

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

Feb 8

1979, and ending

with the issue of Feb 15, 1979.

J. Walter Ross

Fee \$ 16.28

Subscribed and sworn to before me this 15th day

of Feb., 1979.

Kevin D. 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:

13-4090

SPATIG, MARVIN
ROUTE NO. 3, PRESTON, ID 83263
Source: SPRING CREEK SPRING tributary to CUB RIVER

Priority Date: 06/01/1945

Amount: 0.08 CFS

Diversion Point: NWSE Sec 26 T 15S R 40E, FRANKLIN CO.

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

STOCKWATER (0.04 CFS) from 01/01 to 12/31

Place of Use: NWSE SWSE Sec 26 T 15S R 40E

Diversion Means: HEADBOX & PIPE

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 2/8 & 2/15/79.

Legal No. 817-22L - Pub. Feb. 8 and 15, 1979.

RECEIVED

FEB

Department of Water Resources
Eastern District Office

2-17-79

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 26, 1979

SPATIO
MARVIN SPATIO
ROUTE #3
PRESTON

ID 83263

RE: Claim No. 13-4090

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

MAIL ROOM

mailed to claimant 2-27-79

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 2, 1979

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a lesal 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 saller 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 FEBRUARY 26, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

SPATIO ~~8~~ MARVIN

ROUTE #3, PRESTON, ID 83263

Source: SPRING CREEK SPRING tributary to CUB RIVER

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STOCKWATER	(0.04 CFS)	from 01/01 to 12/31

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NOTICE OF CLAIMS TO WATER RIGHTS

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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 2/8 & 2/15/79.

January 30, 1979

Matvin Spatig
Route #3
Preston, Idaho 83263

Dear Sir:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 12852 in the amount of \$20.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: R.P.

Right Number _____

Applicant MARVIN SPATIG

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 _____

Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J.J.

Date 3/2/79

Penner