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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 BURNELL BAIRD

(Name of Claimant)

Rt #2 Preston

(Mailing Address)

Telephone No. 852-0709

(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 1, 1928

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)

BAIRD Spring 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>.5 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>
Quantity	<u>.04</u>	Use <u>Domestic</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) .54 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NW 1/4, Sec. 13 Twp. 14S Rge. 40E 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. 1 hp electric pump, 1 1/2" pipe to domestic use.

earthen ditches & dams.

- (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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>14S</u>	<u>40E</u>	<u>13</u>					<u>6</u>	<u>6</u>		<u>1</u>									<u>13</u>

No. of acres

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

100 head dairy cattle, milk barn & garden

NOTE: Include here the type and number of stock watered: 100 head dairy cattle

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

Scale: 2 inches equal 1 mile.

A hand-drawn sketch of a diamond-shaped structure, possibly a crystal or a molecule, with internal lines suggesting a lattice or atomic arrangement. A label '3' is written next to it, pointing to the structure.

State of Idaho)
County of Frank) ss.)

affiant's knowledge.

~~James~~

Burnell & Band

Residing at Presbyterian, Chicago

17

Forwarded to _____
Date _____

Date 1-28-19

Date 1-30-79

Date 1-30-79

Dates February 8 and 15, 1979

WILLIAMS & CASTLETON
J. Dennis (J. D.) Williams
Attorney at Law
24 North State
P. O. Box 191
Preston, Idaho 83263
Telephone: 208-852-2680

RECEIVED

MAR 23 1979

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

Re: NOTICE OF CLAIM FOR
WATER RIGHT NO. 13-4089
BURNELL BAIRD

NOTICE OF EXCEPTION

COME NOW JOHN WARBURTON and his Wife ARLENE
WARBURTON, and protest and except to the following
Claim to Water Right:

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 ap-
plication to beneficial use:

13-4089

BAIRD, BURNELL
ROUTE NO. 2, PRESTON, ID 83263
Source: BAIRD SPRING tributary to BEAR RIVER
Priority Date: 06/01/1928
Amount: 0.54 CFS
Diversion Point: NENW Sec 13 T 14S R 40E, FRANKLIN
CO.
Use: IRRIGATION (0.50 CFS) from 04/01 to 11/01
DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: NENW NWNW SENW Sec 13 T 14S R 40E for
13ACRES
Diversion Means: DAM & DITCHES, PUMP & PIPELINE
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.

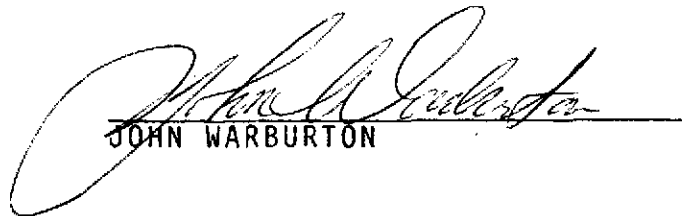
C. STEPHEN ALLRED
Director

Published 2/8 & 2/15/79.

Legal No. 816-22L — Pub. Feb. 8 and 15, 1979.

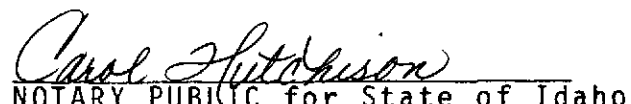
The protest and exception is based upon the ground that the waters claimed to be appropriated include water rights owned by the undersigned and which have been fully appropriated by them and their predecessors since 1920 as more fully explained in the attached Affidavit sworn to by HERMAN W. JEPSEN. In addition, the springs described in the said Claim arise on the undersigned's real property and are fully utilized thereon for culinary and irrigation purposes.

DATED This 14th day of March, 1979.


JOHN WARBURTON


ARLENE WARBURTON

SUBSCRIBED AND SWORN TO Before me this 14th
day of March, 1979.


NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho

IN THE MATTER OF:

AFFIDAVIT

State of ~~Idaho~~ Utah

County of Weber

Herman W. Jepsen

being first duly sworn,

deposes and says:

I am the oldest child of Herman W. Jepsen and Agnes Jepsen born August 4, 1918 up then to Jack Thompson recently deceased. The property presently owned by my sister Arlene Jepsen Warburton and husband John Warburton was devised and operated by my father and mother Herman W. Jepsen and Agnes Jepsen, which was purchased on December 15, 1916 from Hans Peter Hansen and wife Gene August Hansen which was previously owned by his father. This affidavit is prepared to certify legal ownership and use of a spring of water on said deeded property, of John & Arlene Warburton, located from a west boundary between the Warburton and Burnell Baird property previously owned by the brother of Hans Peter Hansen (John W. Hansen deceased) and Hannah Christensen Hansen, still living.

The spring is located from a west boundary of the main drainage some 400 yards south and east.

Its use and development was first recognized in the early 1920 by myself. From this spring we received the needs for culinary, domestic uses, watering of stock and irrigating of the pasture plots which was first employed then piped to the existing home and watering stations for livestock and domestic use, and to irrigate the pasture plots.

The said use has continued to this day. From late spring until winter any surplus water flowing beyond the said west boundary has been mill.

Since the purchase January 23, 1976 the said spring on the deeded property has been renovated by the Warburtons to increase its life and to insure its purity.

The said spring has never been used by the present neighbor or previous owners for culinary, domestic, livestock watering or irrigation.

My father Herman W. Jepsen filed on for ownership and use of this spring in 1920.

Herman W. Jepsen
(signature) Herman W. Jepsen

Subscribed and sworn to before me this 4th day of March 1979.

Mabel Melton
(notary public) Mabel Melton

Residing at 530 Second Street - Ogden, Utah 84404

My commission expires March 5, 1981.

April 10, 1979

Burnell Baird
Route 2
Preston, Idaho 83263

Dear Mr. Baird:

Re: Claim to Water Right No. 13-4089

Enclosed please find a copy of the exception filed by J. Dennis Williams, Attorney, in behalf of John and Arlene Warburton in connection with your Claim No. 13-4089. 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 to 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 us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh
Enclosures



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

April 10, 1979

J. Dennis Williams
Williams and Castleton
P. O. Box 191
Preston, Idaho 83263

Dear Mr. Williams:

Re: Claim to Water Right No. 13-4089

We have received the exception dated March 23, 1979, filed in behalf of John and Arlene Warburton 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 of final censorship of the described rights. If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

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.

Fee \$ 17.02

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

Department of Water Resources
 Eastern District Office

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:

13-4089

BAIRD, BURNELL

ROUTE NO. 2, PRESTON, ID 83263

Source: BAIRD SPRING tributary to BEAR RIVER

Priority Date: 06/01/1928

Amount: 0.54 CFS

Diversion Point: NENW Sec 13 T 14S R 40E, FRANKLIN CO.

Use: IRRIGATION (0.50 CFS) from 04/01 to 11/01
 DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NENW NWNW SENW Sec 13 T 14S R 40E for 13ACRES

Diversion Means: DAM & DITCHES, PUMP & PIPELINE

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. 816-23L - Pub. Feb. 8 and 15, 1979.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 26, 1979

BURNELL BAIRD
ROUTE #2
PRESTON

ID 83263

RE: Claim No. 13-4089

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

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 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 billings to this office before FEBRUARY 26, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

BAIRD, BURNELL

ROUTE #2, PRESTON, ID 83263

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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

Burnell Baird
Route #2
Preston, Idaho 83263

Dear Sir:

Re: Application for Claim to Water Right

Attached herewith is Departmental receipt No. 12853 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: John Carlson

Right Number _____ Applicant Burnell Baird

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.S. Date 3/2/79

RECEIVED

Penn