













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 Delmer L. Olson (Name of Claimant)

Rt. #2, Preston, Idaho 83263 (Mailing Address)

Telephone No. 852-1643.

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) Sept. 3, 1892

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)

Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
3 unnamed springs. tributary to ~~Snake~~ Station 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:

		(Both dates inclusive)	
(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>0.40</u>	Use <u>Irrigation.</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity <u>0.03</u>	Use <u>Stockwater.</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity <u>0.04</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 _____

(4) 0.47 TOTAL QUANTITY USED.
(cfs. apd. AFA)

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

NE 1/4 NW 1/4, Sec. 34 Twp. 14S Rge. 40E B.M., County of Franklin.
Additional points of diversion: NW SE, SW NW Sec 26, T. 14S, R. 40E.
NE SE Sec 27, T. 14S, R. 40E.

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. Two of the springs flow into small pond where water is stored and diverted by electric pump for sprinkler irrigation. Remaining spring is piped to 2 houses for culinary purposes.

(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.

[illegible]

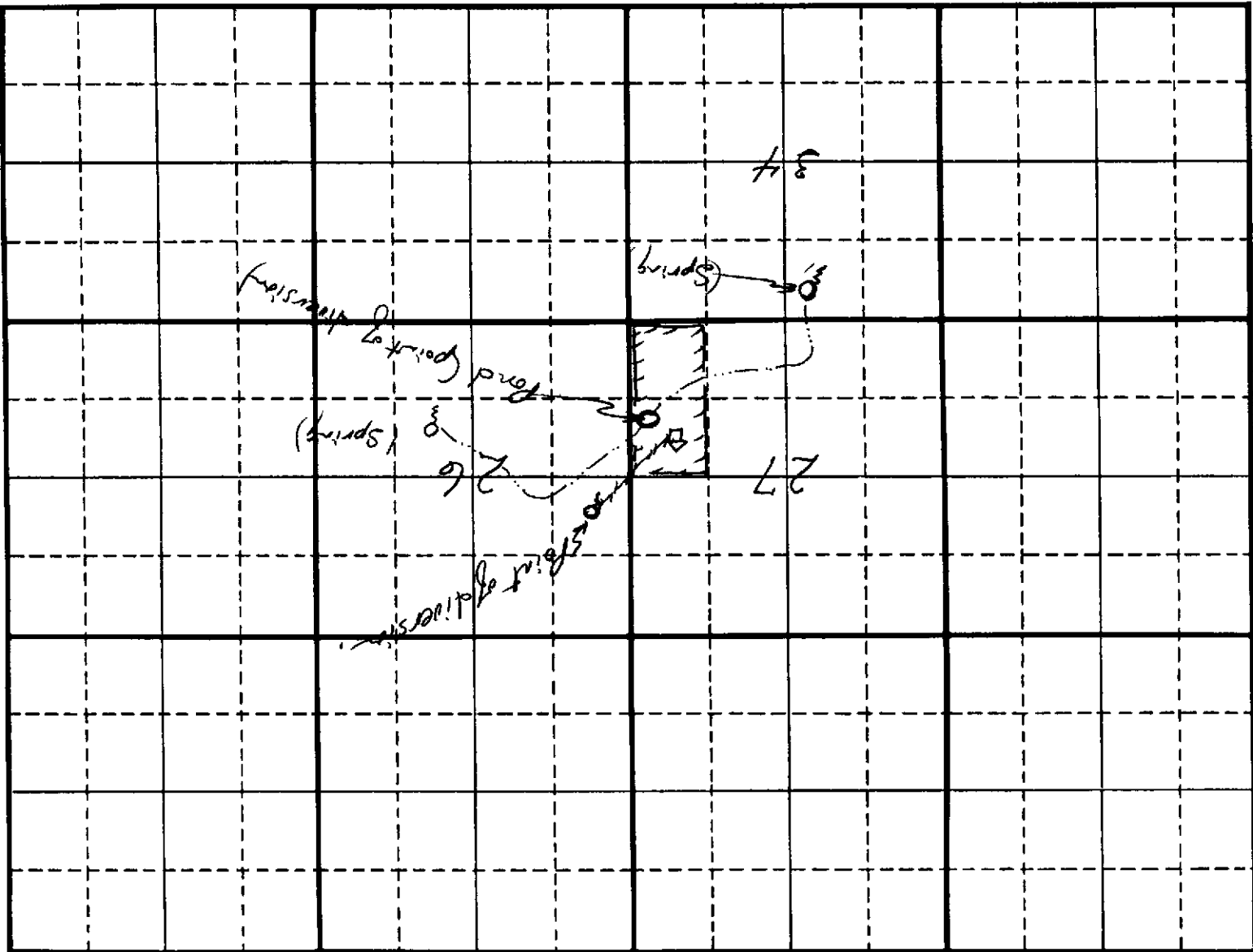
No. of acres **20**

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: stock water,
culinary for 2 homes.

NOTE: Include here the type and number of stock watered: 50 head beef cattle

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

MICROFILMED



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 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 1979
Notary Public
Residing at *Franklin, Idaho*
My commission expires *February 8 & 15, 1979*
John L. Smith
Theo L. Smith
dh
6-13-79

FOR DEPARTMENT USE ONLY

Received by *dh* Date *1-30-79* Exception filed by: Forwarded to Date
Prelim. check by *dh* Date *1-30-79* #12854
Published in *Preston Citizen* dh
Dates *February 8 & 15, 1979*

July 17, 1979

To whom it may concern -

I am Delmar L. Olson who filed Claim # 13-4088 for Certain Springs in the vicinity of Station Creek. I am writing this letter for the purpose of giving more history as to the location and use of these springs.

Two of the three springs named rise and are used on my property. The third spring rises on my neighbors property. One third of this spring was used for house and barn water forty-five years ago. There is no longer a house at this place.

My Grandfather Fara E. Olson moved to this place on Station Creek in the Spring of 1887. He subsequently filed Claim through the homestead act to the land and immediately began to use this water. He built his home fenced an 2 acre plot on a very small tributary of Station Creek. He called this little stream Snake Creek - because its bed went like a snake. He diverted these waters to irrigate a large orchard and grass pasture

in a nearby field.

In 1904 Grandfather Olson moved to Logan Utah and sold the farm to my Father Gustaf E. Olson. I purchased it from my Father in 1947. Each of us have used all of the waters from these springs without interruption since that time. These waters rise on my land (except the $\frac{2}{3}$ of a spring spoken of) and are used on my land.

I have photographs of old ditches diversion dams etc. and can get testimony of neighbors to show that these waters were used as stated until 1958. In that year I constructed a new pond containing about 3 acre feet of water. I have also installed a sprinkling system with an electric pump. I now sprinkle the land which was formerly flood irrigated.

In 1975 I dug drains and installed drain pipe to 8 more springs which were swamps. The waters from this installation enters into Snake Creek and I use them to help fill my pond. They rise on my land I use them on my land.

Up to and including 1958 I was also diverting some water from Station Creek proper onto my land.

When the Preston, Ricardale Minicreek Cannal was built above my place I purchased a water right. I diverted this water thru Station Creek to my land. I did this knowing that I had a small right to some waters because of the Bear river decree of 1920.

About this time I was approached by Mr. Thos J. Smith a neighbor (who has some decreed water rights to Station Creek) He told me that I had no right to use Station Creek waters nor to use the channel to divert my water from the canal. I told him that I would discontinue this practice of diverting waters from the main channel but that I would continue to use the waters from aforementioned springs as had been done for over 70 years. We agreed verbally that no contests would be made concerning this arrangement.

Since the water Resource act of 1978 required that we file on waters that already use I filed claim # 13-4088. Now Mr Smith has

filed an exception to my claim.
I now wish to point out
the untruths to his exception.

#1- I am not filing on additional
waters. but only that portion that
I have used or been used by
my ancestors for 90 years -

#2- The decree spoken of by Mr
Smiths states that my fathers right
of 0.06 second feet of water should
be diverted in section 35 T14 S R40 E -
so how could my culinary water for
my house and barn come from the
Spring as Mr Smith claims

#3- I do own water and am still
renting from Preston, Rivard & Mink Creek
Canal company. I use this water
to sprinkle by gravity approximately
100 acres. These acres are 1 mile above
my pond. I have never diverted
water from said canal into my
pond no would it be feasible
to do so. However it is a
fact that my Springs have
increased because I am irrigating
from this Canal. I remember

vividly that before the canal was built water would be so low ^{in fact} that there was hardly enough for one row of garden. This has never occurred since the building of the canal. There is much more water in Snake Creek and Station Creek in this day -

#4 My son is not in the real estate business. It is not a fact and is only hearsay that he intends to build more homes.

#5. I am not asking for additional water but only protecting the rights to the waters I have used and have been used by my ancestors for nearly 100 years without interruption

#6. Clara A. Keller is Mrs Smiths Mother in law. (A very fine lady) but I do doubt that she who was a young unmarried girl at the time she worked for my father and mother would know about my Fathers irrigational practices

I wonder how the eight acres below the house and the very large orchard could be so green without the young lady knowing that they had to have water.

Her sworn statement also contradicts earlier sworn statements of Alfred E. Westerberg and A. H. Jensen made on 11th of August 1937.

I do not question Mr Smith's right to so many inches of Station Creek water. but I do question his right to take water that he hasn't had or used for nearly 100 years which is deeded and decreed to other lands -

Sincerely
Delmer L Olson

Dated July 17, 1979

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss

On this 17th day of July, 1979, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Delmer L. Olson known to me to be the person whose name is subscribed to the within instrument.

Colleen Weay

Notary Public

Residing at: Idaho Falls, Idaho

My Commission expires: 6/15/81



Picture taken June 30, 1978
showing outlet of drainage
of swamps developed in 1975
water from this drainage is
used to fill pond and to
irrigate by sprinkler my
land
Debra L. Olson



Picture taken June 30, 1977

arrow on Right showing ditch
descending from Soroka Creek.



Picture taken June 30, 1974

Arrow shows old Reservoir
built by Lars & Olson
prior to 1900



Picture taken June 30, 1978
Old spring box with new
Roof source of Culinary
water for Delmer Olson Home
and Jimmie Olson Home -
Referred to by our South as
"aged" water right of Bear River
above (not here) Delmer Olson



Picture taken 1979 June 30
showing Pond that is
filled from claimed springs

Delmer F. Olson



Picture taken June 30, 1978

Man standing on bank of
old ditch which used to
divert water from Ford

Water is used in irrigation
sprinkling system now

Delmer J. Olson

PHOTOGRAPHS
OF DELMER OLSEN'S
CAMP, No 13-4088

February 14, 1979

TO WHOM IT MAY CONCERN:

The purpose of this letter is to register protest to the "Claim to a water right" No. 13-4088 as printed in the Preston Citizen February 8, 1979, by Delmer L. Olsen for unnamed springs of Station Creek.

I would like to present to you the history of waters of Station Creek as supported by the enclosed recorded documents. First, the "public" notice of March 11, 1882 by George Davis (the first settler in Station Creek Area) in which he appropriated all the waters of Station Creek. He later sold his ranch to D. P. Evans. I have worked on this ranch since 1928 and purchased it in 1947. I have used this water ever since the purchase.

Evans and

Next the "Agreement & Contract" between the Preston Riverdale & Mink Creek Canal Co., which built their canal in 1896, in which they agreed to deliver to this ranch so many inches of water as flowed into this canal at Station Creek in exchange for Mr. Evans ditch right-of-way. Their watermaster delivered this water to the Evans ranch every year since.

Then the Final Decree of 1920 which establishes as Station Creek & Springs Decrees No 482, 483 and 484. This is over-decreed on dry years. Station Creek heads in low hills with only small unnamed springs for permanent water. There is a large run-off early until about June 1st. After that, it is a small stream, approximately the amount decreed.

Delmer Olsen owns the decree of Gustave Olsen, .06 C.F.S., which he only used for one house and yard.

In 1948 Preston Riverdale Mink Creek Canal Co. built another canal which crossed Station Creek above these ranches and goes to Preston by way of Worm Creek and Glendale Reservoir.

Delmer Olsen rented water from their canal which he has sprinkle irrigated with for approximately ten years. Now they will no longer rent their water, so he is without irrigation water except for 12 shares which he purchased from them. He uses this water in the pond & pipe described in his claim.

Mr. Olson's son is in the real estate business and has constructed a house across the road from his Fathers house two years ago and connected his water line on to Delmer's house water. They are planning the possibility of three more homes.

It would seem to me unjust that you could possibly consider granting him additional water ~~which~~ which my ranch has used for nearly 100 years.

I am enclosing some statements from some of the older people living here who are familiar with these ranches and Station Creek Water.

RECEIVED

FEB 20 1979

Department of Water Resources
Eastern District Office

Sincerely,

Theo L. Smith

Theo L. Smith

Rt 2

Preston, Idaho 83453

MICROFILMED

Date 2-8-79

TO WHOM IT MAY CONCERN:

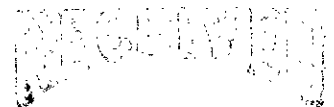
I am 74 years of age. I own the property where Station Creek joins the Preston, Riverdale & Mink Creek Canal which is located at the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of Sec 27 Twp 14S Range 40 East of the Boise Meridian, County of Franklin. I have lived here my entire life. It has been my understanding that the Evans Ranch, owned by Theo L. Smith since 1947 has had the use of so many inches of water as flowed into the Preston, Riverdale & Mink Creek Canal throughout the entire irrigation season from Station Creek.

SIGNED *Armon Westerberg*

Subscribed & Sworn to before me a notary
public, State of Idaho, County of Franklin
this 8th. day of Feb. 1979

Mac L. Brown
Notary

My Commission expires 3/4/82



FEB 20 1979

Department of Water Resources
Eastern District Office

MICROFILMED

February 14, 1979

TO WHOM IT MAY CONCERN:

I was born and raised in the Station Creek Area. I was personally acquainted with Alfred Westerberg, D. P. Evans and Gustave Olsen. I was employed on the Gustave Olsen ranch in my youth. I have been on their ranches and am very familiar with them and have been throughout my lifetime. I am 93 years of age. D. P. Evans was the first settler of those three and had a ditch from Station Creek with which he irrigated his ranch. The Olsen ranch was never irrigated, to my knowledge. My twin sister was Olsens nearest neighbor.

Signed:

Clara A. Keller

Clara A. Keller

L. Rae E. Johnson, Notary Public

Subscribed & Sworn to before me a notary
public, State of Idaho, Douny of Franklin
this 15th day of Feb. 1979

My commission expires

Lifetime

RECEIVED

FEB 20 1979

Department of Water Resources
Eastern District Office

MICROFILMED

DATE 2-12-79

TO WHOM IT MAY CONCERN:

I am 58 years of age. I have been familiar with the operation of Preston, Riverdale & Mink Creek Canal Company most of my life. I am Water Master of Twin Lakes Canal Co. which divides water from the same source as Preston, Riverdale & Mink Creek Canal Co. It has always been my understanding that the Evans Ranch now owed by Theo L. Smith has had the use of so many inches of water as flowed into Preston, Riverdale & Mink Creek Canal from Station Creek.

SIGNED Theo L. Smith
LaRae E. Johnson, Notary Public
Subscribed & Sworn to before me a notary
public, State of Idaho, County of Franklin
this 15th day of Feb. 1979

My Commission expires Lifetime

RECEIVED

Department of Water Resources
Eastern District Office

MICROFILMED

Agreement And Contract

This agreement, made the 25 day of Jan'y in the year of our lord 1896: Preston Riverdale & Mink Creek

Between ~~The Mink Creek, Riverdale And Preston Canal~~ Company, whose place of business is at Preston, Orinda Co. State of Idaho, the party of the first part. And David P. Evans of Mink Creek Precinct, County of Orinda, and State of Idaho. the party of the second part:—witnesseth: That the said party of the first part, in consideration of the covenants and agreements, on the part of the said party of the second part, herein after contained hereby covenants with the said party of the second part, that the said party of the first part, will deliver to the said party of the second part so many inches of water as shall flow into said Canal from Station Creek through out the entire irrigating season, in each and every year that said Canal is in working order, and has a legal existence At his Ranch (the same being situated and lying at the foot of what is known as Dairs dugway) And the said party of the second part, in consideration of the said covenants, on the part of the said party of the first part, herein before contained, agrees to, and with the said party of the first part, that the said party of the second part, will give and bequeath to the said party of the first part his right of way, and private ditch (the same having been constructed to carry water from Station Creek to his Ranch, the same being situated and lying at the foot of what is known as Dairs Dugway.)

MICROFILMED

In witness whereof, the said parties of the first part
Directors of said Canal have hereunto set their hands
and seals, the day and year first above written

x John Larson
x The Greave
x Joseph Davis
x C. C. Crockett
x

In witness whereof the said party of the second part
has hereunto set his hand and seal, the day and year
first above written

+ E. P. Evans

Signed, sealed and delivered in the
presence of John A. Wolf
David C. Carnes

COMPARED

INDEXED

Filed

By

of said Recorder

of said Recorder

page 4192

In Town 7

At 2 o'clock

May 20 1862

1862

1862

1862

Walter L. Smith

RFD #2

Preston, Idaho

832-43

MICROFILMED

CERTIFIED

No. 224606

MAIL

Director of Idaho Water Resources
1515 Lincoln Road
Idaho Falls, Idaho

83401

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

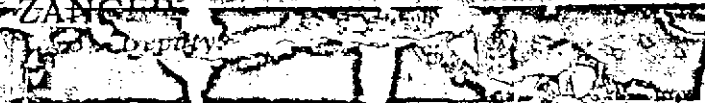
Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. MEREYNOLDS,

Clerk.

BEARD ZANGER



DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

481. *Elmer Larsen and Janeus Keller:*
1882—May 1

0.3 c.f.s.

For the irrigation of 5 and 10 acres respectively in Section 8, Township 14 South, Range 41 East.

STATION CREEK AND SPRINGS.

482. *Alfred Westerberg:*

1884—May 1:

Apr. 20 to July 25 0.62 c.f.s.

July 25 to Sept. 1 0.41 c.f.s.

Sept. 1 to Sept. 30 0.31 c.f.s.

To be diverted from said creek and springs through a ditch diverting therefrom in Section 36, Township 14 South, Range 40 East, for the irrigation of 31 acres in said Section 36.

483. *D. P. Evans:*

1882—May 1

0.4 c.f.s.

To be diverted from said creek and springs in Section 36, Township 14 South, Range 40 East, for the irrigation of 20 acres in the Southeast quarter of said Section 21.

484. *Gustave Olsen:*

1898—May 1

0.06 c.f.s.

To be diverted from said springs in Section 35, Township 14 South, Range 40 East, for the irrigation of 33 acres in the Northeast quarter of said Section 36.

BEAR CREEK SPRINGS.

485. *Nevada A. Larson and Martin Christensen:*

1888—May 1:

Apr. 20 to July 25 0.5 c.f.s.

July 25 to Sept. 1 0.33 c.f.s.

Sept. 1 to Sept. 30 0.25 c.f.s.

To be diverted from said springs in Section 24, Township 14 South, Range 40 East, B.M. For the irrigation of 25 acres (two-thirds thereof to said Nevada A. Larson and one-third thereof to said Martin Christensen), in the Northwest quarter of the Northeast quarter, the South half of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section 23, said Township and Range.

486. *Steffen C. Christensen and Andrew Jepson:*

1887—May 1

0.28 c.f.s.

To be diverted from said Bear Creek Springs in Section 24, Township 14 South, Range 40 East, for the irrigation of 14 acres (7 acres to each defendant) in the said Section 24.

SPRING IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 14 SOUTH, RANGE 40 EAST.

487. *Charles Berquist and Edward Berquist:*

1890—May 1

0.04 c.f.s.

To be diverted at the said spring for the irrigation of 2 acres in Section 26, Township 14 South, Range 40 East.

Public Notice

Notice is hereby given that I
 George Davis of Franklin Precinct
 Oneida County Idaho Territory have on
 this ~~the~~ 10th day of March AD 1882
 appropriated all the waters of
 Station Creek which is situated in
 the County of Oneida Territory of Idaho
 to be taken out of said Station Creek
 about one half mile from where said
 Creek empties into Bear River and at
 the point and monument where this
 notice is posted said water is to be
 used for agricultural and irrigating
 purposes and is conducted by means
 of a ditch which is three feet wide
 on the ~~bottom~~ five feet wide on the
 top and about two feet deep (said
 ditch being about one and one ~~four~~
 miles long) to and on the S²⁰/₄ of the
 S^E/₄ 4th S^E/₄ of S²⁰/₄ of Sec 21 4th N^E/₄ of
 N²⁰/₄ 4th N²⁰/₄ of N^E/₄ of section no 28
 in township 14 South of range 40 East
 Dated this 10 Day of } 10. 41 A.D.
 March AD 1882

RECORDED
 FEB 23 1882
 Department of Water Resources
 Eastern District Office

Recorded at the
 Registry (per 14)
 Davis this 16th
 day of March
 AD 1882 in Book
 "2" of Micro
 page 162
 Wm B Shew
 Co. Recorder
 by H R Evans
 S. H. H.

Inst. No. 53042

o o o o
AFFIDAVIT

State of Idaho ss.

County of Franklin.

The undersigned being duly sworn deposes and says:

That they are well and personally acquainted with the farm owned by Gustaf E. Olson and described as follows, to-wit:

The East half of the Southeast quarter of Section 27, Township 14 South, Range 40 East of the Boise meridian.

Also the water rights used on said land, being described as all waters coming from a certain unnamed spring located one-half mile Southwest of said land and all the waters from

another unnamed spring located one-half mile East of said land, and also two-thirds of all the waters from another unnamed spring located one mile East of said land.

The undersigned of their own personal knowledge each know for themselves that the said Gustaf E. Olson has had the free, undisputed, notorious and unmolested use of the waters of the above named springs as designated. And said waters have been used on the lands above described for more than 20 years last past. And that the right to the use of said waters has not been questioned by anyone, and that the said Gustaf E. Olson is now in the undisputed possession of said waters.

In Witness whereof we have hereunto set our hands this 11th day of August, 1937.

Alfred E. Westerberg

A. H. Jensen

Subscribed and sworn to before me this 11th day of August, 1937.

(SEAL)

J. N. Larsen

Notary Public, Preston, Idaho

STATE OF IDAHO

SS

COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 10:15 A.M. November 8, 1937.

Fee \$.40

Cleo L. Swenson
Ex-Officio Recorder

By Sarah Jensen
Deputy Recorder

Compared
o o o

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 \$ 1776

Subscribed and sworn to before me this 15th day

of Feb., 1979.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

RECEIVED
FEB 20 1979
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:

13-4088

OLSON, DELMER L.
ROUTE NO. 2, PRESTON, ID 83263
Source: 3 UNNAMED SPRINGS tributary to STATION CREEK
Priority Date: 09/02/1892
Amount: 0.47 CFS
Diversion Point: SWNW Sec 26 T 14S R 40E NESE Sec 27 T 14S R 40E, FRANKLIN CO.
Use: IRRIGATION (0.40 CFS) from 04/01 to 11/01
STOCKWATER (0.03 CFS) from 01/01 to 12/31
DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: NESE SESE Sec 27 T 14S R 40E for 20 ACRES
Diversion Means: HOLDING POND, 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. 815-24L -- Pub. Feb. 8 and 15, 1979.

(7)
August 1, 1979

Debra L. Olson
Claim # 13-4088

Dept of Water Resources
Eastern Region
Ronald D. Carlson Supervisor -

Dear Sir,

I in regards to my water
filing and claim # 13-4088

I am enclosing herewith 2
affidavits concerning my water
claims. Will you please file them
with my records?

Sincerely
Debra L. Olson

Rt # 2

Preston, Ida

RECEIVED

AUG 8 1979

Department of Water Resources
Eastern District Office

MAIL

IN THE MATTER OF:

Station Creek
springs and water

AFFIDAVIT

RECEIVED

AUG 8 1979

Department of Water Resources
Eastern District Office

State of Idaho

County of Franklin

Heber L. Olson being first duly sworn,

deposes and says:

My Grandfather Lars E. Olson
and Delmore Olson's Grandfather are the
same man. He and my father Lehi each
homesteaded a tract of land in the Station
Creek area. I well remember the reservoir
my Grandfather built, the ditches that
diverted water from the stream of Snake
Creek and also Station Creek.

During the years of 1912 thru 1922
I worked for and visited my
uncle Gustaf E. Olson. He maintained
a large orchard, alfalfa and grass
fields. He irrigated these fields from
these aforementioned streams. No one ever
questioned whether or not he owned
the water.

Heber L. Olson

(Signature)

Subscribed and sworn to before me this 18 day of July, 1979

Annette Smith

(Notary Public)

Residing at

Logan Utah

My Commission Expires

8-20

RECEIVED

Planned Parenthood office director named



Robin Weaver

Planned Parenthood Association of Utah's Logan Office has both a new director and a new service to offer.

Robin Weaver, 44, is the new director of the Logan Planned Parenthood Office. Ms. Weaver, a Tennessee native, is currently completing her degree in health education at Utah State University. She was previously a general insurance agent.

In addition to a new director, the Logan Planned Parenthood Office is now offering infertility services to meet the needs of Utah residents who either cannot afford the service through a private physician or who live in areas where the service is unavailable.

Planned Parenthood will offer infertility counseling and clinical services to couples who have been trying unsuccessfully for one year or more to achieve pregnancy. The approach, Ms. Weaver said, would be directed toward the couple, rather than just one of its members.

The new service will be added to the continuing Planned Parenthood programs, which include health care, education, counseling and cancer screening. The Logan Planned Parenthood Office at 208 North 1st East is open from 9 a.m. to 5:30 p.m. Monday through Friday. The telephone number is 753-0724.

Carter doesn't divulge

(Continued from page 1)

Carter was reported to have left most of his Cabinet in the dark, but he telephoned Vice President Walter Mondale, apparently to tell him of the cancellation.

At mid-afternoon, a White House aide told reporters the president would fly down from his mountaintop retreat Thursday afternoon and return there following the speech from the White House.

Only moments later, White House

press secretary Jody Powell telephoned a conference-call hookup to reporters:

"The president has asked me to say he has decided to cancel the speech for Thursday night. I have nothing to add to that announcement," he said.

No further explanation was forthcoming. A White House source insisted the decision "had nothing to do with the president's health." Asked if a crisis was brewing, another source replied, "Relax."

Longtime R.H. mayor honored

RIVER HEIGHTS — Heber Olson, the first mayor of River Heights, was honored by the community during part of the July 4 festivities. Olson was mayor for 24 years.

Among other honors given to Olson, during the day, the River Heights City Council passed a resolution naming the city park the "Heber Olson Park."

"He was instrumental in obtaining that section of town for the purpose of a park, and the community has benefited from it," said Mayor Boyd Humphreys.

Olson, who is now 83, is still called on to help the community leaders.

"If we need to know where sewer or water pipes are, Heber can tell us the location," said Humphreys.

Heber Olson's name used to be a sub-heading under River Heights. When people spoke of what River Heights was doing they meant what Heber Olson was doing," he said.

The presentation was made during the final program of the River Heights July 4 program, and was made by Susan Nielsen, Miss Utah Teenager, a River Heights resident



Heber Olson
...honored by city

Byrd pleased with talks in Moscow

IN THE MATTER OF:

Station Creek
Springs & Water

AFFIDAVIT

RECEIVED

AUG 8 1979

Department of Water Resources
Eastern District Office

State of Idaho

County of Franklin

Isaac E. Bell

being first duly sworn,

deposes and says:

I am 81 years of age. My
Brother Hyrum lived neighbors to
Gustaf E. Olson until about 1930. I would
stay at his place at times. I was
well acquainted with Gustaf and knew
about his large green orchard, also the
field next to my brother's land. I
know he used water from Snake Creek
and springs to water his land.

I have also known Delmer L. Olson
and that he acquired the farm from
Gustaf and has continued this
practice along with improvements
until this time

Isaac E. Bell
(Signature)

Subscribed and sworn to before me this 18 day of July, 1977.

Robert L. Kendrick
(Notary Public)

Residing at Ruston, Idaho

My Commission Expires 7-1-80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 26, 1979

DELMER L. OLSON
ROUTE #2
PRESTON

ID 83263

RE: Claim No. 13-4088

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

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

Delmer L. Olson
Route 2
Preston, Idaho 83263

RE: Claim No. 13-4088

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

MICROFILMED

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

Theo L. Smith
Rural Route 2
Preston, Idaho 83263

RE: Claim No. 13-4088

Dear Sir:

We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"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."

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

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

MICROFILMED

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 billing to this office before FEBRUARY 26, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

OLSON, DELMER L.

ROUTE #2, PRESTON, ID 83263

Source: 3 UNNAMED SPRINGS tributary to STATION CREEK

Priority Date: 09/02/1892

Amount: 0.47 CFS

Diversion Point: SNNW Sec 26 T 14S R 40E NESE Sec 27 T 14S R 40E,
FRANKLIN Co.

Use: IRRIGATION	(0.40 CFS)	from 04/01 to 11/01
STOCKWATER	(0.03 CFS)	from 01/01 to 12/31
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: NESE SESE Sec 27 T 14S R 40E FOR 20 ACRES

Diversion Means: HOLDING POND, PUMP & PIPELINE

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 2/8 & 2/15/79.

RECEIVED
FEB 15 1979
IDAHO DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO

January 30, 1979

Delmer L. Olson
Route #2
Preston, Idaho 83263

Dear Sir:

Re: Application for Claim to Water Right

Attached herewith is Departmental receipt No. 12854 in the amount of \$20.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: John Carlson

Right Number 13-4088 Applicant Delmer L. Olson

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. YES.

By Ernest Carlson Date 6/18/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jmi Date 6/28/79

Perma

MICROFILMED