

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that RICHARD D. HOBBS and LOIS S. HOBBS
(Name of Claimant)
West of City, Preston, Idaho 83263 Telephone No. 852-2585
(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) Jan. 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)
spring, unnamed 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>0.3</u>	Use	<u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.3 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 28 Twp. 15 S. Rge. 39 E.B.M., County of Franklin
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pipeline from spring to field.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	28						3											3
15S	39E	21										12							12

No. of acres 15

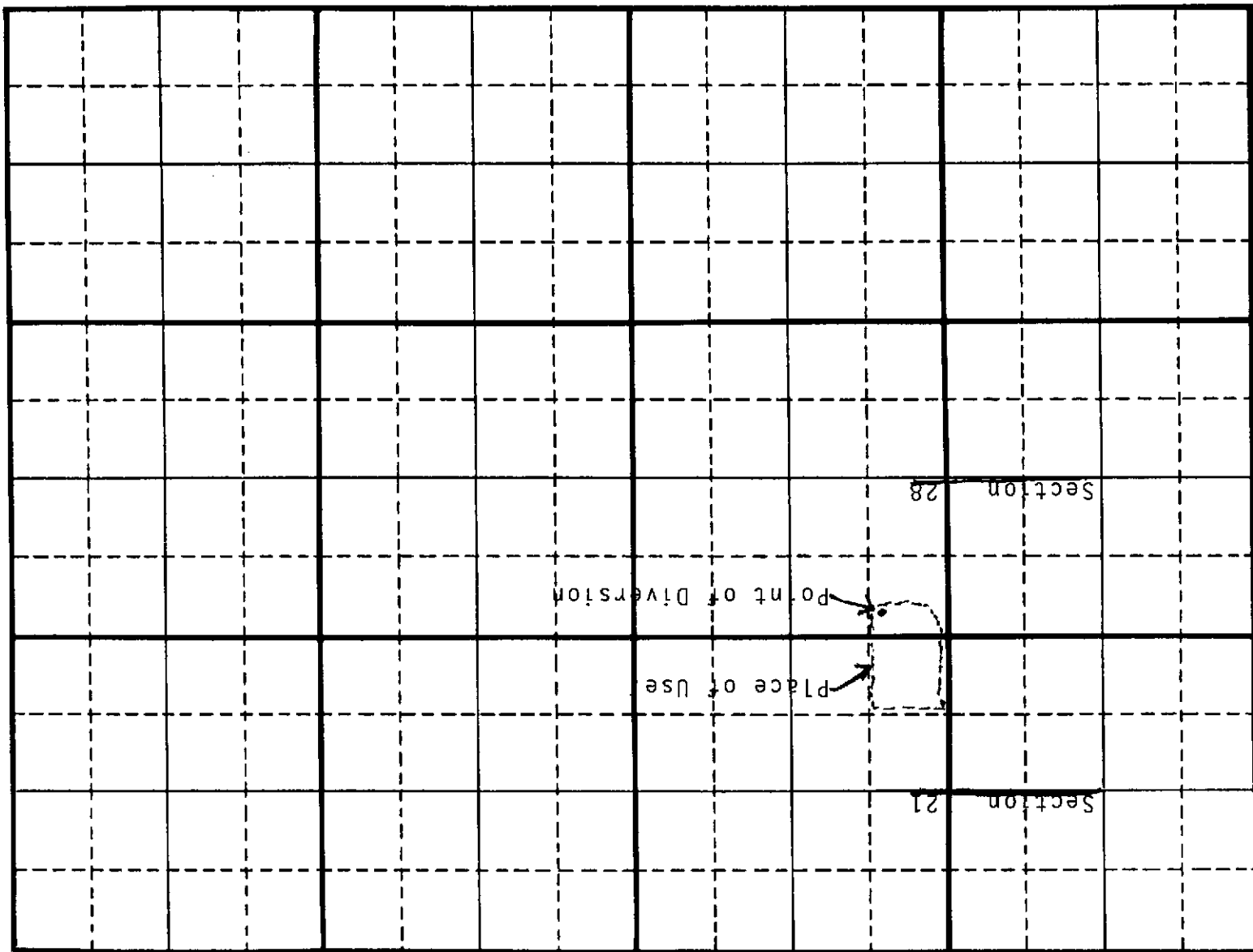
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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:

RECEIVED

T. 15 S., R. 39 E. Franklin County



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 18th day of December 1928

Notary Public
Residing at Preston, Idaho

My commission expires

lifetime

FOR DEPARTMENT USE ONLY
Exception filed by: John Sharp
Forwarded to claimant by: dh
Date: 2-8-79

Received by 87
Prelim. check by 101
Date 1-12-79
Date 1-12-79
Published in Preston Citizen
Dates Jan 25 & Feb 1, 1929

Dept of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

I wish to file an exception to the claim of Richard &
Lois Hobbs #13-4082 and 13-4083 for the purpose of
prior domestic and stock use.

Signed

Notary Public

For the State of Idaho
County of - Franklin

Date---- January 29, 1979
at Preston, Idaho

Refer to: John Sharp
125 East 1st No.
Wellsville, Utah 84339

RECEIVED

JAN 31 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:

13-4083

**HOBBS, RICHARD D. AND/OR LOIS S.
WEST OF CITY, PRESTON, ID 83263**

**Source: SPRING ON ERICKSEN HOLLOW tributary to
BEAR RIVER**

Priority Date: 01/01/1928

Amount: 1.27 CFS

Diversion Point: SWSW Sec 21 T 15S R 39E, Franklin Co.

Use: IRRIGATION (0.75 CFS) from 04/01 to 11/01

DOMESTIC (0.02 CFS) from 01/01 to 12/31

STOCKWATER (0.50 CFS) from 01/01 to 12/31

Place of Use: SWSW Sec 21 T 15S R 39E FOR 38 ACRES

Diversion Means: DITCH AND 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.**

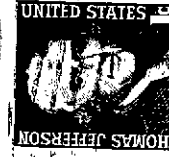
**C. STEPHEN ALLRED
Director**

Published 1/25 and 2/1/79.

Legal No. 802-23L - Pub. Jan. 25 and Feb. 1, 1979.

John Sharp
125 East 1st No
Wellsville, Utah

84339



Dept of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

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

Jan 25, 1979, and ending
 with the issue of Feb 1, 1979...

Fee \$ 15.54

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:

13-4082

HOBBS, RICHARD D. AND/OR LOIS S.

WEST OF CITY, PRESTON, ID 83263

Source: UNNAMED SPRING tributary to BEAR RIVER

Priority Date: 01-01-1928

Amount: 0.30 CFS

Diversion Point: NWNW Sec. 28 T 15S R 39E, Franklin Co.

Use: IRRIGATION (0.30 CFS) from 04/01 to 11/01

Place of Use: NWNW Sec. 28 T 15S R 39E SWSW Sec. 21 T 15S R 39E FOR 15 ACRES

Diversion Means: 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 1/25 and 2/1/79.

Legal No. 801-21L - Pub. Jan. 25 and Feb. 1, 1979.

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

DALLIN J. PHILLIPS

May 29, 1981

TELEPHONE:
(208) 852-2680

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Claim to Water Right No. 13-4082 and 13-4083
Our File No. 1699.1C

Gentlemen:

Several years ago we filed the above referenced Claims to Water Rights and objections were made thereto by John Sharp. In a letter from your office dated May 2, 1979, it was requested that our client's response be made in affidavit form.

Although it has taken some time, that affidavit is enclosed with this letter and we ask that it be filed with reference to the above claims. If there are any questions, please advise.

Yours very truly,

WILLIAMS & CASTLETON


LOWELL D. CASTLETON
Attorney at Law

LDC/cr

Enclosure

RECEIVED

JUN 3 1981

Department of Water Resources
Eastern District Office

208-852-2680

RECEIVED

JUN 8 1981

Department of Water Resources
Eastern District Office

WILLIAMS & CASTLETON
LOWELL CASTLETON
24 North State
P.O. Box 191
Preston, ID. 83263
Telephone: 208-852-2680

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES EASTERN
DIVISION

Claim to Water Right by }
RICHARD D. HOBBS, & LOIS }
S. HOBBS. Claim Nos. }
13-4082 & 13-4083 }

CASE NO. _____

AFFIDAVIT FOR RICHARD
D. HOBBS

RICHARD D. HOBBS deposes and says:

That he has made a claim to a water right dated the 18th of December 1978. That he is in receipt of an exception to the claim by Mr. John Sharp, 125 East First North, Wellsville, Utah 84339.

That your affiant in support of his claims alleges the following facts.

(1) That the exception filed by Mr. Sharp is deficient in several counts. The exception is very general and sets forth absolutely no proof as to the uses claimed.

(2) The exception seems to both claims Nos. 13-4082 and 13-4803 for the purpose of prior domestic and stock use. The two claims referred to are totally different in purpose of and place of use. Mr. Sharp has not set forth the exact nature of his exception.

(3) That Mr. Sharp claims a prior domestic use even though there has been no visible domestic use by any water in this area by anyone other than the affiant or his predecessors in title as long as can be remembered. That there is at the present time no house or other type of structure which would suggest any domestic use other than Mr. Hobbs. The affiant is of the belief that Mr. Sharp has no rights into the water in question. That this Affidavit is made for the purpose of supporting a Claim to a Water Right filed by your affiant.

208-852-2680

Richard D. Hobbs
RICHARD D. HOBBS

Subscribed and Sworn to before me this 22nd day
of May, 1980.

[Signature]
NOTARY PUBLIC for State of Idaho
Residing at Preston

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JUN 3 1981

Department of Water Resources
Eastern District Office

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 12, 1979

Richard D. Hobbs and

LOIS S. HOBBS
WEST OF CITY
PRESTON

ID 83263

RE: Claim No. 13-4082

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

Mailed to Claimant 2-21-79

5.5.

MICROFILMED

February 12, 1979

The Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Re: Claims Nos. 13-4082 & 13-4083 - Hobbs

Would you please send affidavits of publication and certified bills in connection with the above referenced claims. The legal notices were to have been published on January 25 and February 1, 1979. Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

MICROFILMED

February 8, 1979

Richard D. Hobbs
Lois S. Hobbs
West of City
Preston, Idaho 83263

Dear Mr. and Mrs. Hobbs:

Re: Claim to a Water Right No. 13-4082
Claim to a Water Right No. 13-4083

Enclosed please find a copy of the exception filed by John Sharp in connection with your claims No. 13-4082 and No. 13-4083. The following is a quote from the provisions of the Idaho Code under which these claims have 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 us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh
Encs.

MICROFILMED

February 1, 1979

Mr. John Sharp
125 East 1st North
Wellsville, Utah 84339

Dear Mr. Sharp:

Re: Exception to Claims No. 13-4082 and 13-4083

On January 31, 1979, I received a note from you indicating you wish to file an exception to Claims to Water Rights No.'s 13-4082 and 13-4083 in the name of Richard and Lois Hobbs. I have included the exception in the files since it was signed in the presence of a notary public and is, therefore, in proper form. However, you should be aware that the purpose of an exception is to supply information to prove that the use described in the claim is incorrect. For example, if you know for a fact that no water had been used on the fifteen acres described in Claim No. 13-4082, then your exception should point out the knowledge you have.

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 thereof 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

MICROFILMED

Mr. John Sharp
February 1, 1979

Page 2

and we are not authorized to hold hearings or evaluate for conformation of final censorship of the described rights. Because the exception you submitted supplies no additional evidence for the court to consider if this right should ever be adjudicated, you may wish to submit additional evidence pointing out how the use of the water described in these claims is incorrect. BB

If you have any questions regarding this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 19, 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 12, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

(Telecon w/ Preston Citizen 1-23-79)

13-4082

Hobbs, RICHARD, &
HOBBS, LOIS S.

WEST OF CITY, PRESTON, ID 83263

Source: UNNAMED SPRING tributary to BEAR RIVER

Priority Date: 01/01/1928

Amount: 0.30 CFS

Diversion Point: NNW Sec 28 T 15S R 39E, FRANKLIN Co.

Use: IRRIGATION (0.30 CFS) from 04/01 to 11/01

Place of Use: NNW Sec 28 T 15S R 39E SWSW Sec 21 T 15S R 39E
FOR 15 ACRES

Diversion Means: 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 1/25 & 2/1/79.

MICROFILMED

CW-A.

January 15, 1979

Mr. Lowell D. Castleton
Williams and Castleton
P. O. Box 191
Preston, Idaho 83263

Dear Sir:

Re: Claims to Water Rights - Hobbs

Attached herewith is Departmental receipt No. 12834 in the amount of \$40.00 for two claims submitted by your office in behalf of Richard D. and Lois S. Hobbs.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

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WILLIAMS & CASTLETON

LAW OFFICE
1515 E. 15th St.
Preston, Idaho 83263

JOHN D. WILLIAMS
LOWELL D. CASTLETON

RECEIVED
JAN 10 1979

January 10, 1979

January 10, 1979

Mr. Lowell D. Castleton
Williams and Castleton
P. O. Box 191
Preston, Idaho 83263
1515 E. 15th St.
Dear Mr. Castleton:

Re: Claims to a Water Right - Hobbs

The Department has reviewed the claims to a water right submitted by your office on behalf of Richard D. Hobbs and Lois S. Hobbs of Preston, Idaho and finds it necessary to return them. We are also returning your check No. 1584 in the amount of \$40.00.

Regarding the claim for water from a spring on Ericksen Hollow, since the culinary use is for a single family dwelling, the quantity of water claimed in Item 3 appears to be excessive. The 1/10 of a cubic foot per second indicates your client requires 65 thousand gallons a day for household use. The Department normally recommends 13 thousand gallons per day, which is equivalent to 0.02 c.f.s.

Furthermore, in Item 5 of the claim for water from an unnamed spring tributary to Bear River, the legal description is not consistent with the illustrated plat map in Item 8. The point of diversion in Item 5 specifies the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, Twp. 15S, Rge. 39E, while the plat map indicates the point of diversion to be in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 15S, Rge. 39E. This should be corrected so that both items reflect the same legal description.

The Department will be glad to initiate processing of your clients' claims once you have taken action on the above referenced items and resubmitted the water rights to our office, accompanied by a check for \$40.00 in payment of the statutory filing fee.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC - dh Enc.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

December 26, 1978

Lowell D. Castelton
Attorney at Law
24 North State
P.O. Box 191
Preston, Idaho 83263

Dear Mr. Castelton:

The Department has reviewed the Claims to a Water Right submitted by your office on behalf of Richard D. Hobbs and Lois S. Hobbs of Preston, Idaho and finds it necessary to return them for additional information and changes. We are also returning your check No. 1584 in the amount of \$40.00.

Regarding both claims, it would probably be to your clients advantage if the priority in item #1 stated the month and possibly the day along with year when water was first put to beneficial use. Also, your client apparently wishes to claim culinary use for water from a spring in Ericksen Hollow. This usage should be described in item #6B by indicating the number of family dwellings to which the water was supplied. Furthermore, in item #5 of the claim for water from an unnamed spring tributary to the Bear River the legal description for the point of diversion is not consistent with the illustrated plat map in item #8. The legal description and the plat map should be corrected to reflect the same 40 acre subdivision of the point of diversion.

With action finalized on the above mentioned items, please resubmit the Claims to a Water Right accompanied by a check for \$40.00 in payment of the statutory filing fee.

If we can be of any assistance, please feel free to contact this office.

Respectfully submitted,

Ernest M. Carlsen

ERNEST M. CARLSEN
Water Resource Analyst

EMC:jf

Enc.

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ennie

Right Number _____ Applicant Richard Hobbs

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 _____ Date _____

MICROFILMED

WATER RIGHT NUMBER 13-4082

DD 93

ACT	OWNER LAST NAME - HOBBS	FIRST NAME - RICHARD D. &	STATE - ID	ZIP CODE - 83263	
N	OWNER LAST NAME - HOBBS	FIRST NAME - LOIS S.			
N	ADDRESS LINE 1 - WEST OF CITY				
N					
N	SOURCE - UNNAMED SPRING	TRIBUTARY OF - BEAR RIVER			
N	STAGE - STATUTORY CLAIM	PRIORITY - 01-01-1928	COUNTY - FRANKLIN	TOTAL DIV. RATE -	.3000CFS
N	DIVERSION POINT - <u>NWNW 28 15S 39E</u>				
N	FROM - 04-01 TO - 11-01	USE - IRRIGATION	USE DIV. RATE -		.3000CFS
N	USE - IRRIGATION	PLACE OF USE - TWN 15S RNG 39E SEC 28 TRACT NWNW		AC 03	
N	USE - IRRIGATION	PLACE OF USE - TWN 15S RNG 39E SEC 21 TRACT SWSW		AC 12	
N	DIVERSION MEANS - PIPELINE				

5/28