

already done

not right?

PO 44 ✓

WATER RIGHTS EDIT REPORT

04/27/79

PAGE 7

WATER RIGHT NUMBER 13-4075

ACT

ION
N OWNER LAST NAME - BELL
N OWNER LAST NAME - BELL

FIRST NAME - DELOS C.
FIRST NAME - RADIA C.

ADDRESS LINE 1 - ROUTE 2, BOX 358

CITY - PRESTON

STATE - ID ZIP CODE - 83263

SOURCE - UNNAMED SPRING

PRIORITY - 01-01-1890 COUNTY - FRANKLIN TOTAL DIV. RATE - .3000CFS

STAGE - STATUTORY CLAIM
DIVERSION POINT - SENE-02 15S 39E

USE DIV. RATE - .2000CFS

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .1000CFS

FROM - 01-01 TO - 12-31 USE - STOCKWATER

PLACE OF USE - TWN 15S RNG 39E SEC 02 TRACT NENE

REMARKS - DOMESTIC USES FOR 2 SINGLE-FAMILY DWELLINGS; STOCKWATER FOR 20 DAIRY COWS, 3 HORSES & 1000 CHICKENS

DIVERSION MEANS - PIPELINE

This # in Hood
a priority hole was
changed only!

check on

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 DeLos C. Bell and Radia C. Bell
(Name of Claimant)
Box 358, Route #2, Preston, Idaho 83263 Telephone No. _____
(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) January 1, 1890

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 tributary to _____

(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	.2 c.f.s.	Use	Domestic	Period of Use From	Jan. 1 To Dec. 31
Quantity	.1 c.f.s.	Use	stock	Period of Use From	Jan. 1 To Dec. 31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .3 c.f.s. TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 2 Twp. 15 S Rge. 39E 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. Gravity flow pipeline to house

(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.

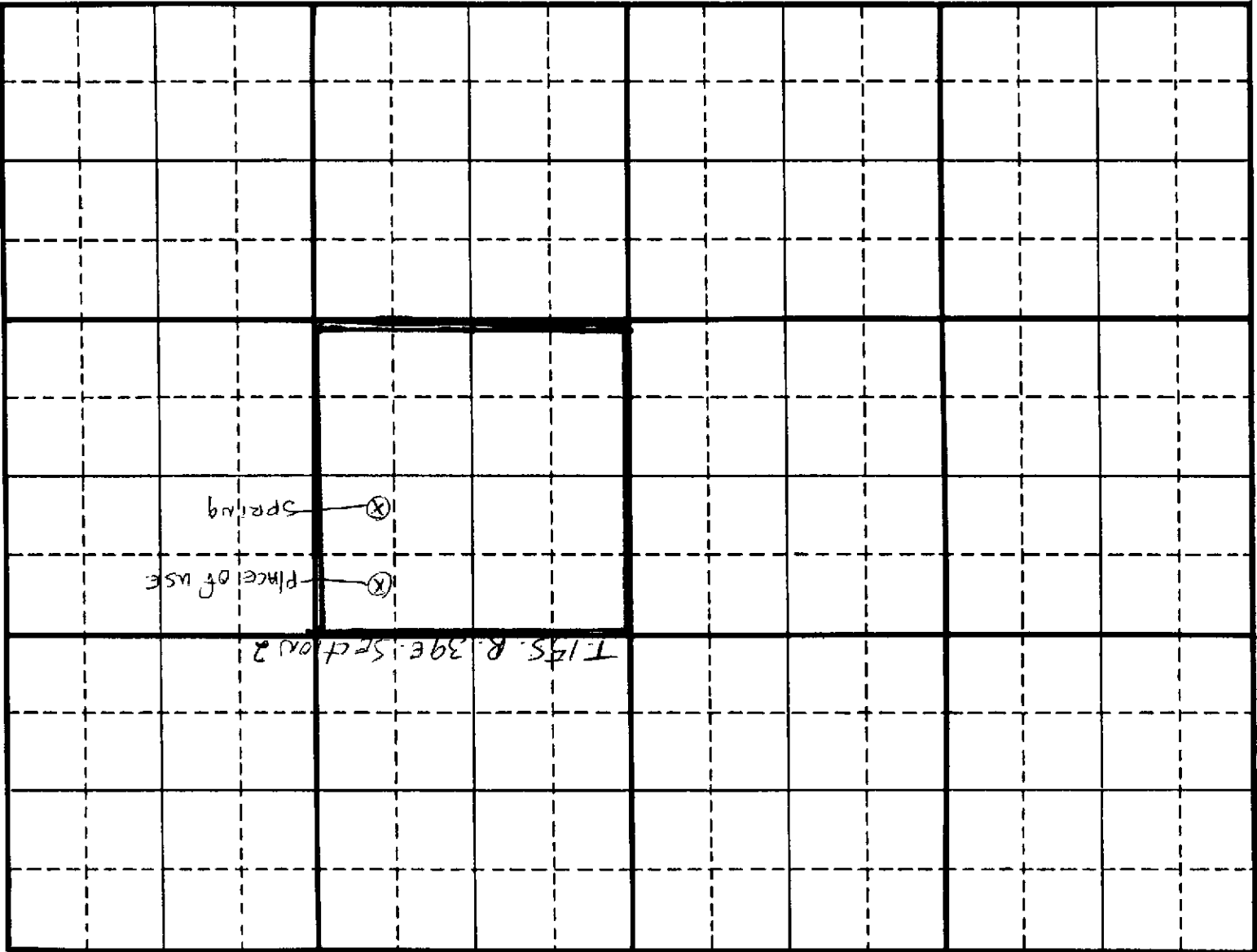
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	2	X																

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Two (2) homes; stock: 20 Herford and Dairy cows, 3 horses and 1,000 chickens

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: _____



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 24th day of August, 1978.

(Claimant)

Notary Public
Residing at

My commission expires

FOR DEPARTMENT USE ONLY

Received by AL Date 8-27-78
Prelim. check by AL Date 8-25-78
\$20.00 fee received by AL Date 7-28-78
Published in REGISTER Date Aug 31 & Sept 7, 1978
Exception filed by: #11471 & 11472
Forwarded to AL Date 9-27-78

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

Aug. 31, 1978, and ending with the issue of Sept. 7, 1978

Fee \$ 1406

Subscribed and sworn to before me this 25th day of September, 1978.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4075

Notice is hereby given that DeLos C. Bell and Radia C. Bell, Preston, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.3 cubic feet per second of water from a spring with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 15S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes with a priority of Jan. 1, 1890; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 15S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the Preston Citizen, Preston, Idaho on Aug. 31 and Sept. 7, 1978.

Legal No. 703-19L - Pub. Aug. 31 and Sept. 7, 1978.

97-a

WATER RIGHT NUMBER 13-4075

ACT
ION

OWNER LAST NAME - BELL
OWNER LAST NAME - BELL
ADDRESS LINE 1 - RT. 2 BOX 358

FIRST NAME - DE LOS C.
FIRST NAME - RADIA C.

CITY - PRESTON

STATE - ID ZIP CODE - 83263

SOURCE - SPRING

PRIORITY - 01-01-1980

COUNTY - FRANKLIN

TOTAL DIV. RATE -

.3000CFS

STAGE - STAIRY CLW

USE DIV. RATE - .1000CFS

DIVERSION POINT - SEWE 02 155 39E

USE DIV. RATE - .2000CFS

FROM - 01-01 TO - 12-31

USE - STOCKWATER

USE - STOCKWATER

NON IRRIG USE - S/23 RANGE & DAIRY & 1000 CHICKENS D/2 HOMES.

PLACE OF USE - TOWN 155 RNC 39E SEC 02 TRACT NENE



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 27, 1978

Delos C. Bell and Radia C. Bell
Box 358, Route #2
Preston, Idaho 83263

RE: Claim No. 13-4075

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 can be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Regional Supervisor

Enclosure

RDC:dh

RECEIVED
SEP 28 1978
ID

September 18, 1978

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

RE: Application for Claim - No. 13-4075

Would you please send an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published on August 31 and September 7, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

DONNA HENRIQUES
Secretary

9.25.78 requested affidavit
per phone conversation

August 25, 1978

RE: Application for Claim - No. 13-4075

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor

RDC:dh
Enclosure

Bill submitted 9.26.78 by dh

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4075

Notice is hereby given that DeLos C. Bell and Radia C. Bell
Preston, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 0.3 cubic feet per second ~~acre feet per annum~~
of water from a spring
with point of diversion in the SE1/4, Sec. 2, T. 15S, R. 39E, B.M.,
Franklin County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
and stockwatering purposes
with a priority of Jan. 1, 1890;
the place of use is within the SE1/4, Sec. 2, T. 15S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

~~XXXXXXXXXXXXXXXXXXXX~~
C. STEPHEN ALLRED
Director

Published in the Preston Citizen, Preston, Idaho
on Aug. 31 and Sept. 7, 1978

RD

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

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

August 23, 1978

TELEPHONE:
(208) 852-2680

To: State of Idaho
Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Please note:

This form letter is used to expedite communications. You need direct your attention only to the items marked.

Re: Application for DeLos and Radia Bell
Our File No. 822.3

___ For your information.

___ Please review and file in your records.

___ Please review and call our office for an appointment to discuss the enclosures.

___ Please review and call us to discuss over the telephone.

___ Please sign and return ___ all but one copy.
___ all copies.

XX Enclosed is the information you requested.

___ Please record and return.

Enclosures: New Application on new form.
Copy of Receipts
Copy of letter

RECEIVED JUL 27 1978



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

July 25, 1978

RE: Claim to a Water Right No. 13-4073 BELL

RECEIVED

AUG 24 1978

Department of Water Resources
Eastern District Office

Williams & Castleton
Attorneys at Law
P.O. Box 191
Preston, Idaho 83263

Gentlemen:

Attached herewith is departmental receipt No. 11471 and 11472 in the amounts of \$10.00 each for the above referenced claim.

In our review for advertising, we note the claim has been submitted on an outdated form. For your convenience, we have enclosed several new claim forms. We have also submitted a copy of the original claim. Please note the plat in Item 8 does not correspond with the written legal description as indicated in Item 5A. Please make the necessary corrections on the new form and return to this office for further processing.

If you have any questions concerning this matter, please contact this office.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Attachment

Enclosures

STATE OF IDAHO
Department of Water Resources

RECEIVED JUL 27 1978
No. 11471

Boise, Idaho, July 20, 1978

RECEIVED FROM Beverly N. Mortensen of Preston, Id \$ 10⁰⁰
Ten and no/100 DOLLARS

FOR			
<u>1/2 pmt on claim</u>	\$	<u>10</u>	<u>00</u>
	\$		
<u>Delos Bell</u>	\$		
	\$		
TOTAL - - -	\$	<u>10</u>	<u>00</u>

Bulah Peeler

STATE OF IDAHO
Department of Water Resources

No. 11472

Boise, Idaho, July 20, 1978

RECEIVED FROM Beverly N. Mortensen of Preston, Id \$ 10⁰⁰
Ten and no/100 DOLLARS

FOR			
<u>1/2 pmt on claim</u>	\$	<u>10</u>	<u>00</u>
	\$		
<u>Delos Bell</u>	\$		
	\$		
TOTAL - - -	\$	<u>10</u>	<u>00</u>

Bulah Peeler

RECEIVED

AUG 24 1978

Department of Water Resources
Boise, Idaho 83725

