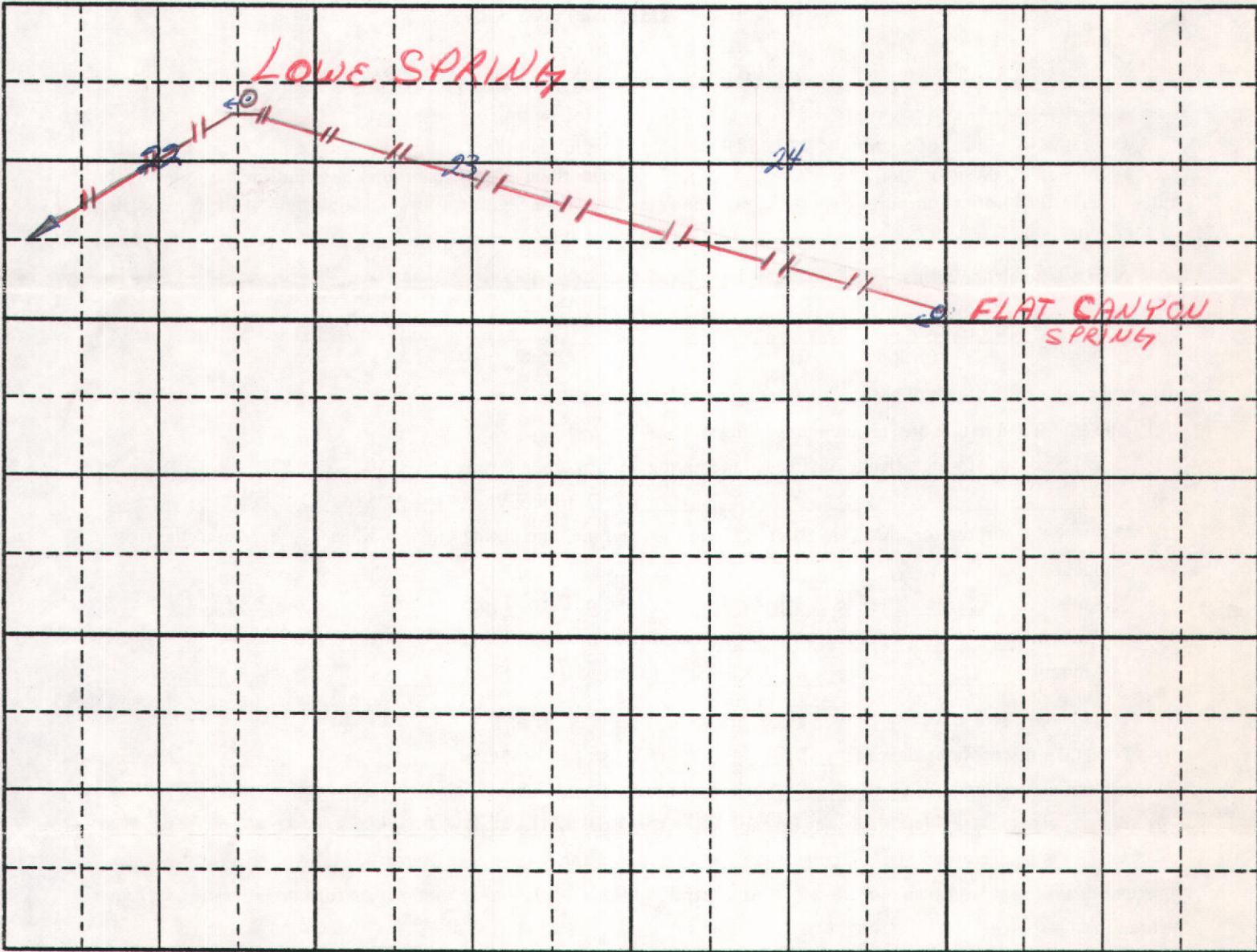


(8) Remarks _____



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 Utah)
County of Cache) 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 affiants knowledge.

BY: Herbert B. Harrison MAYOR
Lewiston City
(Claimant)

Sworn to before me this 20th day of December, 1977.

Frank Helt
Notary Public
Residing at Paradise, Utah

My commission expires 4-22-80

For Department Use Only			
Received by <u>MR</u>	Date <u>12-22-77</u>	Exception filed by:	Forwarded to
Prelim. check by <u>EMC</u>	Date <u>1-04-78</u>		claimant by:
\$10.00 fee received by <u>OW</u>	Date <u>1-04-78 #9156</u>		
Approved for publication by <u>OW 2-01-78</u>			
Published in <u>Oreston Citizen</u>			
Dates <u>Jan 12 + 19-1978</u>			





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Lewiston City
(name of claimant)
of Lewiston, Utah
(mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Flat Canyon Spring
_____, tributary to, Spring Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|----------------------|-----|-------------------------------|---------------------|------------|----|------------------------|
| Amount | <u>1.0</u> | Use | <u>Municipal</u> | Period of Use: From | <u>1/1</u> | To | <u>12/31</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 1.0 cubic feet per second, or _____ acre feet
per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) May 1915

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 24 Twp. 16S 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. Collection box $\neq$ 6" pipeline
to a regulating reservoir and then to a larger reservoir and on
to Lewiston.

- (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.

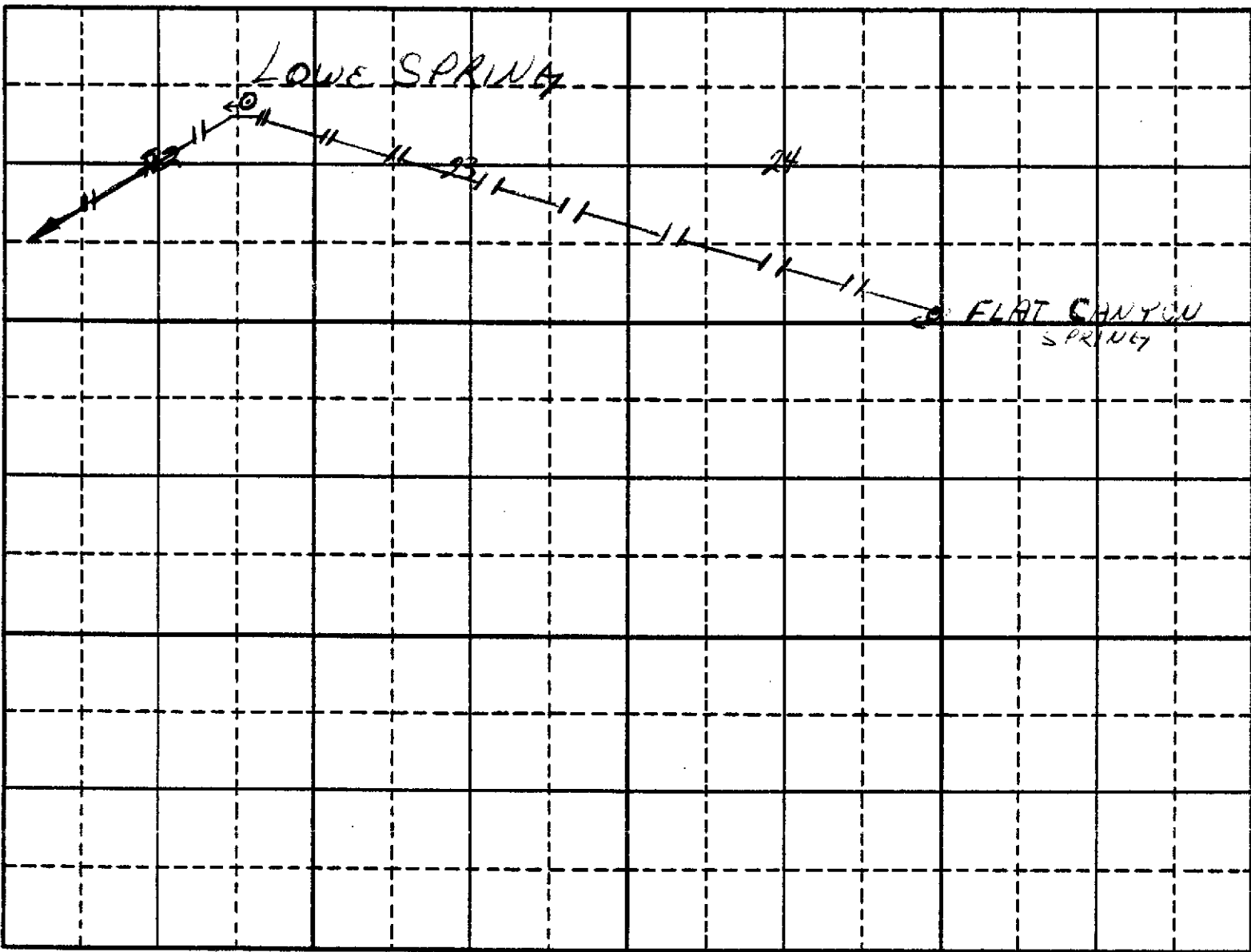
[illegible]

Total No. of acres _____

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

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

(8) Remarks _____



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 ~~Kan~~ Utah)
County of Cache) 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 affiants knowledge.

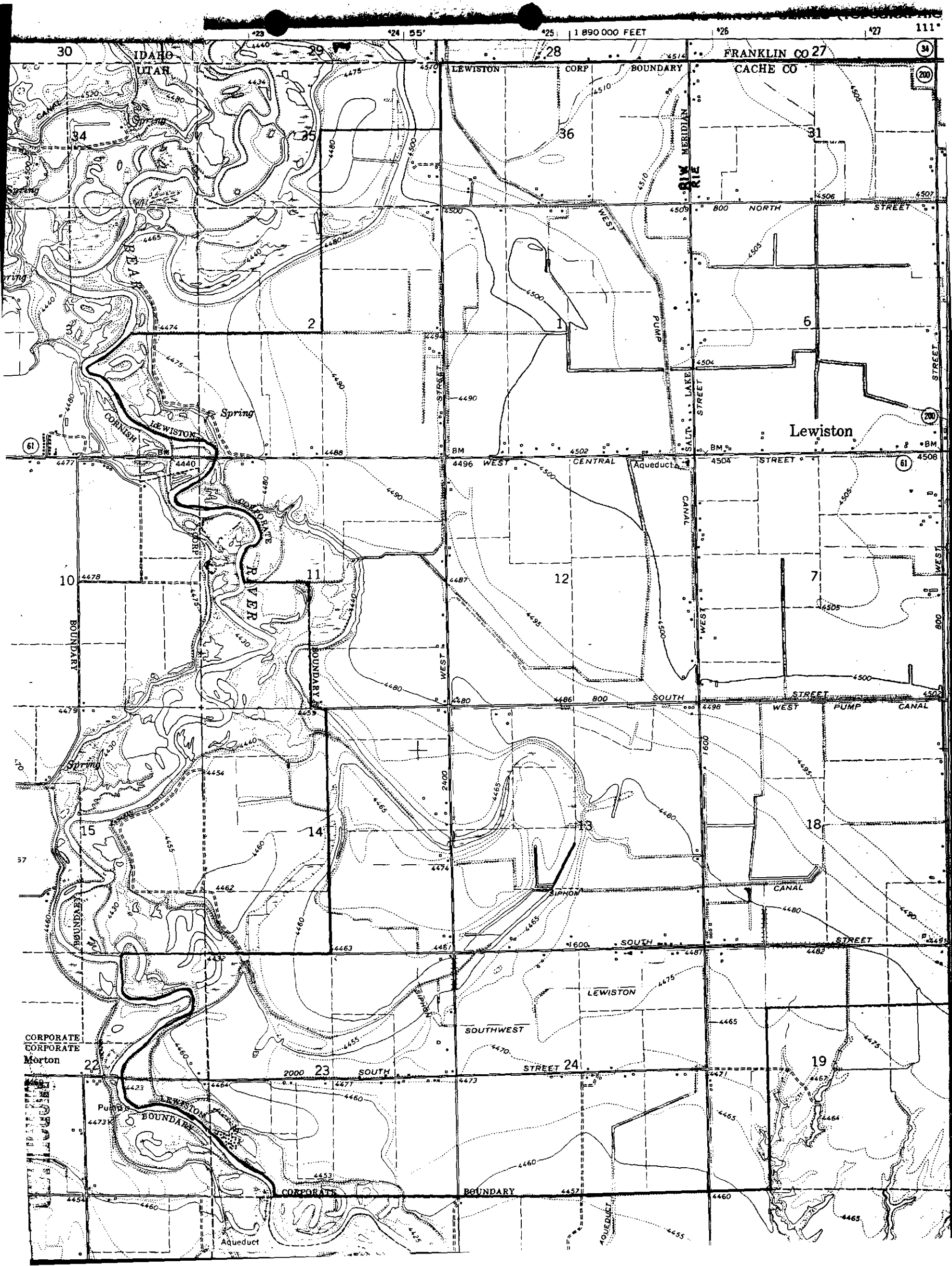
BY: Lewiston City
Herbert B. Harrison MAYOR
(Claimant)

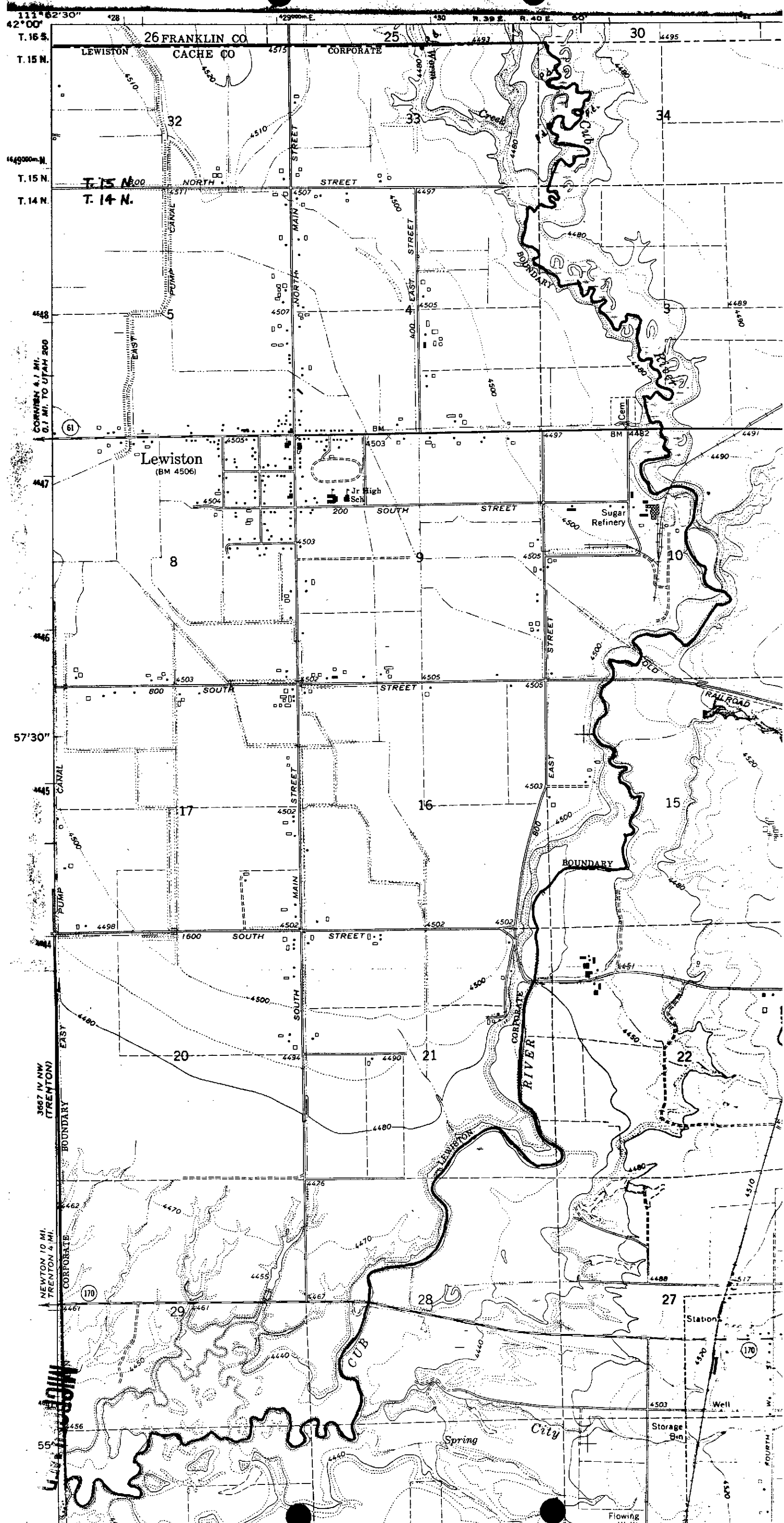
Sworn to before me this 20th day of December, 1977.

Frank Helt
Notary Public
Residing at Paradise, Utah

My commission expires 4-22-80

For Department Use Only			
Received by <u>MR</u>	Date <u>12-22-77</u>	Exception filed by:	Forwarded to
Prelim. check by <u>EMC</u>	Date <u>1-04-78</u>		claimant by:
\$10.00 fee received by <u>CU</u>	Date <u>1-04-78 #956</u>		
Approved for publication by <u>CU</u>	Date <u>2-01-78</u>		
Published in <u>Oreston Citizen</u>			
Dates <u>Jan 12 + 19 - 1978</u>			





No 552

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

Yvonne Ross

being duly sworn,

deposes and says:

That he is the Book Keeper 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

January 12, 1978, and ending with the issue of January 19, 1978.

Yvonne Ross
Fee \$ 16.28

Subscribed and sworn to before me this 30 day of January, 1978.
Walter W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980.

LEGAL NOTICES

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4062

Notice is hereby given that Lewiston City, Utah has filed a claim to a water right established by diversion and application to beneficial use of 1.00 cubic feet per second of water from Flat Canyon Spring tributary to Spring Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 16S, R. 40E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for municipal purposes with a priority of May, 1915; the place of use is within Lewiston City.

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 January 12 and January 19, 1978.

Legal No. 552 — Pub. Jan. 12 and 19, 1978.

ACT
ION
N OWNER LAST NAME - LEWISTON CITY
N SOURCE - FLAT CANYON SPRING
N STAGE - STARRY CLM
N DIVERSION POINT - SESE 25 16S 40E
N FROM - 01-01 TO - 12-31 USE - MUNICIPAL
N REMARKS - P/U WITHIN CITY LIMITS OF LEWISTON, UT.

CITY - LEWISTON
TRIMINARY OF - SPRING CREEK
PRIORITY - 05-01-1915
COUNTY - FRANKLIN
STATE - UT
TOTAL DIV. RATE - 1.0000CFS
USE DIV. RATE - 1.0000CFS



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

February 1, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY
13-4063

Lewiston City
Lewiston,
Utah 84320

Gentlemen:

The Department of Water Resources has completed the processing of your claims to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosures

January 30, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY
13-4063

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on January 12 and January 19, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLS N
Supervisor
Eastern Region

RDC:CD

MAIL ROOM

January 6, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY
13-4063 " "

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,
Eastern Region

Bill submitted 2-01-78 by CW

RDC:CW

Enc: Legal Notice (2)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4062

Notice is hereby given that Lewiston City,

Utah

has filed a claim to a water right established by diversion and application
to beneficial use of 1.00 cubic feet per second ~~were feet per second~~

of water from Flat Canyon Spring tributary to Spring Creek

with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 16S, R. 40E, B.M.,

Franklin County

The water is claimed to be used from Jan. 1 to Dec. 31

for municipal purposes

with a priority of May, 1915;

the place of use is within ~~one~~ Lewiston City.

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
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Preston Citizen, Preston, Idaho
on January 12 and January 19, 1978

cal-A
cal-L.

January 5, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY
13-4063

Mr. Mike Turnipseed
Area Engineer
Division of Water Rights
Northern District Office
P.O. Box 381
55 East 1st North
Logan, Utah 84321

Dear Mr. Turnipseed:

For your information, enclosed please find copies of two Claims to a Water Right filed by Lewiston City as referenced above.

Very truly yours,

COLLEEN WRAY
Secretary

CW:CD

Enclosures

13-4062
13-4063
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13-4100

January 5, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY
13-4063

F. L. Gunnell, P. H.
Attorney at Law
Hillyard, Gunnell & Low
175 East First Street North
Logan, Utah 84321

Dear Mr. Gunnell:

Attached herewith is Departmental receipt No. 9156 in the amount of \$20.00
for the above referenced claims.

Very truly yours,

COLLEEN WRAY
Secretary

CW:CD

Attachment

RECEIVED

HILLYARD, GUNNELL & LOW

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

175 EAST FIRST NORTH

LOGAN, UTAH 84321

Department of Water Resources

DATE: December 20, 1977

RE: Water Right

Dear Sir:

Enclosed please find two original Claims To A Water Right
and a check in the amount of \$20.00 to cover filing fees.

HILLYARD, GUNNELL & LOW

Signed

F.L. Gunnell *F.L.*

MEMO LETTER