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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Merlin R. &/or Opal McKay, husband & Wife &/or

Notice is hereby given that Bryce K. &/or Carlene T. Egley, husband & wife

(name of claimant)

of Rt. #2, Preston, ID 83263

(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) Bear Creek Spring
, tributary to ,

(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 3.80 Use irrigation Period of Use: From Apr. 1 To Nov. 1
Amount 0.04 Use Stockwater Period of Use: From Jan. 1 To Dec. 31
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: 3.80 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) August 6, 1883

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)
SW ¼ SW ¼, Sec. 14 Twp. 14S Rge. 40E B. M. County of Franklin
Additional points of diversion: SWNE, Sec. 23, 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. small dam and ditches

(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	
14S	40E	14											X						
		15																X	
		23					X	X											

Total No. of acres 160

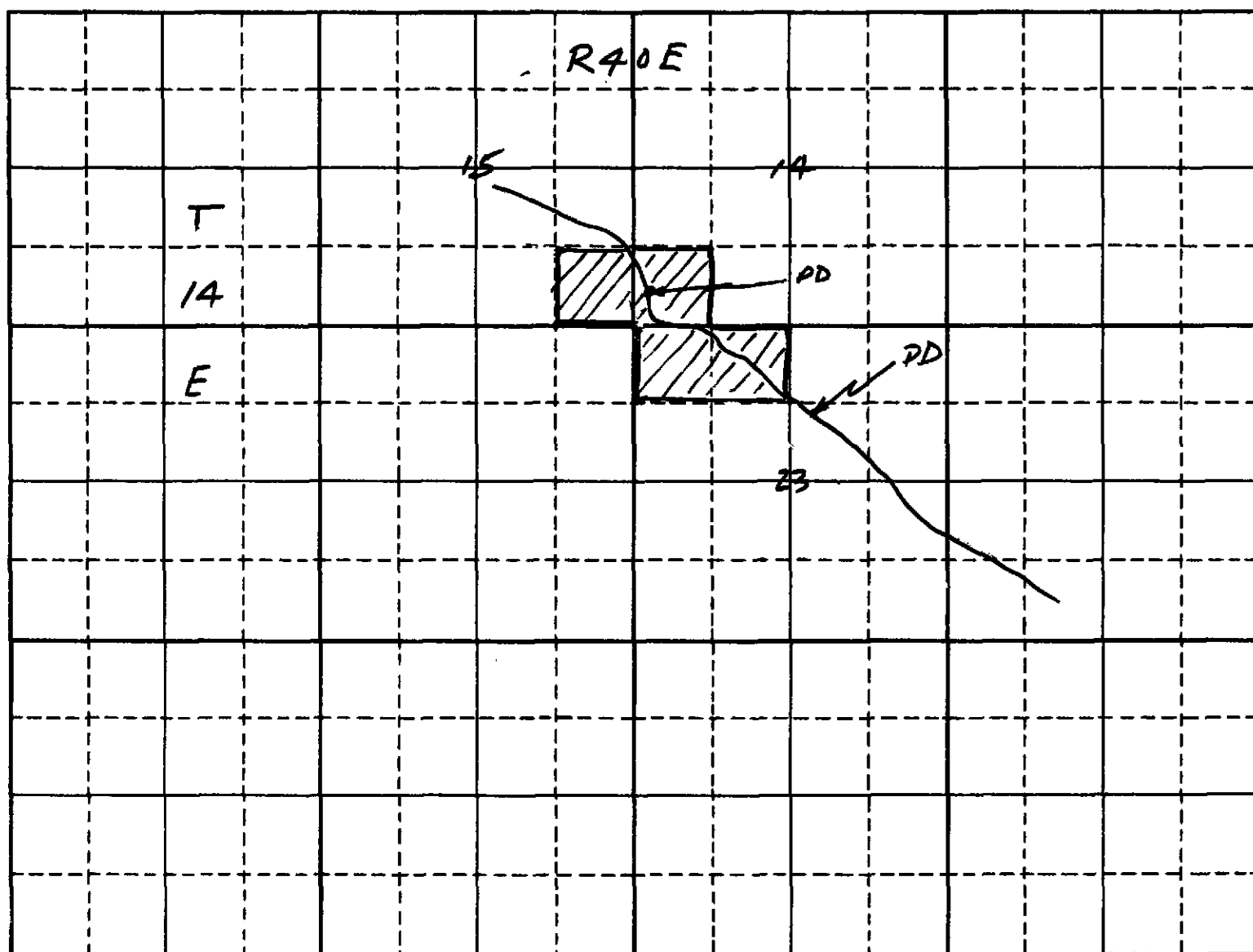
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

350 head cows w/calves within the NE¼NW¼, Sec. 23, SE¼SE¼, Sec. 15, T. 14S, R. 40E

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

MICROFILMED

(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)
County of Bonneville) 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.

Merle R. McCreary
(Claimant)

Sworn to before me this 11 day of March, 19 77.

Frank Raymond
Notary Public
Residing at Idaho Falls, Idaho

My commission expires May 23, 1977

For Department Use Only

Received by <u>CW</u>	Date <u>3-11-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JAD</u>	Date <u>3-11-77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>3-11-77</u>			
Approved for publication by <u>me</u>	<u>4-1-77</u>	<u>Howard D. Larson</u>	<u>CW</u>	<u>4-07-77</u>
Published in <u>Greener Citizen</u>	<u>#438</u>	<u>Jerome Muelken</u>	<u>CW</u>	<u>4-07-77</u>
Dates <u>Mar 24 & 31, 1977</u>		<u>Clair D. O.</u>	<u>CW</u>	<u>4-26-77</u>
		<u>Jepson</u>		

RECEIVED

APR 9 1977

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

In the Matter of Claim to)

Water Right of MERLIN R. and/or)
OPAL McKay, and/or BRYCE K. and/or)
CARLENE T. EGLEY)
NO. 13-4043)

A F F I D A V I T

STATE OF IDAHO)
; SS
COUNTY OF FRANKLIN)

ELIAS JEPSEN and CLARA C, JEPSEN, JEROME L, MULLIKIN and BONNIE K, MULLIKIN and HOWARD DALE LARSEN and FAYE B, LARSEN, being first duly sworn depose and say:

That they take exception to and protest the above referenced claim of water right in Bear Creek Springs,

The protestants claim superior adverse rights as follows:

1. Protestants ELAIS JEPSEN and CLARA C, JEPSEN claim prior rights and continuous useage of waters of Bear Creek Springs sufficient to irrigate approximately 65 acres under sprinkler with between 174 to 217 gallons per minute, Also, 8 acres of pasture by gravity flow in the East Half of Section 24, Township 14 South, Range 40 East of the Boise Meridian, That their diversion and useage is the first and fartherest up stream and their claim of priority is based upon rights decreed under Utah Power and Light vs. Last Chance Canal Company, etal, dated July 14, 1920, with date of priority to 1887, plus appropriation and diversion of the additional waters up to the amount hereinabove specified.

2. JEROME L. MULLIKIN and BONNIE K. MULLIKIN claim useage of one-third of the remaining waters of Bear Creek arising and flowing below the diversion of the afore-named ELAIS JEPSEN and CLARA C, JEPSEN; said rights being sufficient to irrigate approximately 5 acres of land, plus orchard and garden. Said waters being used one day out of every three during the irrigation season, April 1 to November 1,

Right to said waters is predicated as successors in interest to the decreed right of MARTIN CHRISTENSEN, one of the parties in interest in Utah Power & Light vs. Last Chance Canal Company, etal supra,

CONTINUED

3. HOWARD DALE and FAYE B. LARSEN claim two-thirds of the waters of Bear Creek Springs arising and flowing below the diversion of the aforesaid ELIAS JEPSEN and CLARA C. JEPSEN for irrigation of 8 acres, plus garden through an upper diversion and approximately 4 acres from a lower diversion, Said use being two days out of every three during the irrigation season, April 1 to November 1, Said rights being predicated upon status as successor in interest to the decreed rights of NEYADA LARSEN, a party recognized in the aforesaid Utah Power and Light vs, Last Chance Canal Company, etal supra,

The undersigned protestants declare that their use constitutes a complete and full diversion of all of the waters of Bear Creek Springs in Sections 23 and 24 of Township 14 South, Range 40 East of the Boise Meridian, and Section 19 of Township 14 South, Range 41 East of the Boise Meridian, Protestants further declare that no waters of Bear Creek Springs within the above sections flow past the boundaries of the last named protestants HOWARD DALE and FAYE B. LARSEN other than occasional wasteage; that there is no water arising in Bear Creek Springs available for appropriation and/or claim other than those rights of these protestants as herein described,

DATED This 6th day of April, 1977,

Elias Jepsen

Clara C. Jepsen

SUBSCRIBED AND SWORN to before me this 6th day of April, 1977,

Notary Public for Idaho

Residing at: Idaho Falls

My Commission Expires: April, 1977

MICROFILMED

IN THE MATTER OF:)
Exception to Claim to a)
Water Right No. 13-4043)
Merlin &/or Opal McKay)
&/or Bryce K. &/or Carlene)
T. Egley)

State of Idaho)
County of Bonneville)

AFFIDAVIT

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APR 5 1977

Department of Water Resources
Eastern District Office

We, the undersigned, being first duly sworn,
deposes and says: A prior water right exists, as evidenced by final decree
of 1888 in case of Utah Power & Light Co. vs. Last Chance Canal Co., in
U.S. District Court, Eastern Division. The water has been used and will
continue to be used by the undersigned for irrigation purposes.

We, the undersigned, are legal owners of the water right as decreed
to Nevada Larsen and Martin Christensen in 1888 for Bear Creek Springs under
decree number 485.

H. Ward Dale Larsen

(Signature)

Subscribed and sworn to before me this 5th day of April, 1977

Ronald D. Carlson
(Notary Public)

Residing at Idaho Falls:
My Commission Expires 2/14/78:

RECEIVED

RECEIVED

APR 5 1977

Department of Water Resources
Eastern District Office

IN THE MATTER OF:)
Exception to Claim to a)
Water Right No. 13-4043)
Merlin &/or Opal McKay)
&/or Bryce K. &/or)
Carlene T. Egley)

AFFIDAVIT

State of Idaho)
County of Bonneville)

Howard Dale Larsen, being first duly sworn,
deposes and says: Navada A. Larson was my father and was decreed rights
from Bear Creek springs with a priority of May 1, 1888. I have lived on
the same property my father owned for 60 years. There has never been
water used on the land the McKays are claiming to have irrigated since
1883, since it is up hill from the creek and could not be irrigated without
a pump. There has been no water needed or used from these springs because
ample was supplied by Mink ^{Riverdale/} Creek Canal. There has never been a time in
my life that any water from Bear Creek has been used on the property owned
by the MaKays.

Howard Dale Larsen
(Signature)

Subscribed and sworn to before me this 5th day of April, 1977

Paul D. Carson
(Notary Public)

Residing at Idaho Falls, Idaho.
My Commission Expires 2/14/78.

MICROFILMED

Water Location of Burkhead & ~~Ecce~~ Bear Creek Springs, Notice

That we intend diverting the water at this point by the construction of a dam across.

said creek and constructing a ditch of the foregoing diversion and conveying the water on to the SW 1/4 - 1/4 - SW 1/4 of Sec 23 in Twp 14 N. R. 40 east for agricultural purposes.

1107 Street, 174th Ave., 6th, 1885.

Territory of Idaho
County of Oneida ss. Ulrich Burkhalter first being duly sworn deposes and says that
he posted a true and correct copy of the foregoing notice of water location at the point there
in set forth on the 7th day of August A. D. 1882 in the presence of E. J. Williamson.

Which I will alter.
Subscribed and sworn to before me 7th day of August A. D. 1882

Filed within Justice of the Peace in and for Onondaga County.
Recorded Aug 4th 1892. Wm. E. Shew, Co. Recorder. By H. E. Evans, Deputy.
Reference: Book "A" of Water Locations at Page 15 Original Onondaga County Records.

[illegible]

NEGOTIATED

IN THE MATTER OF:

OPAL MCKAY

State of Idaho

County of FRANKLIN

AFFIDAVIT

MEL ROY LARSEN

being first duly sworn,

deposes and says:

TO WHOM IT MAY CONCERN

AS LONG AS I CAN REMEMBER THERE WAS A
DITCH FROM BEAR CREEK ^{SPRINGS} TAKEN OUT NEAR
WHERE THE PRESENT RIVERDALE DITCH CROSSES
IT. THE DITCH WENT DOWN THE NORTH SIDE
OF THE CREEK ALONG THE COUNTY ROAD.
WE HAVE BEEN TRADING WATER WITH THE
DITCH COMPANY AND THE OLD DITCH HAS
BEEN ABANDONED IN THE PAST FEW YEARS

Mel Roy Larsen
(signature)

Subscribed and sworn to before me this 17 day of Feb. 19 77.

Wayne W. Doney
(notary public)

Residing at Preston Idaho

My commission expires 12-22-77

MICROFILMED

IN THE MATTER OF:

OPAL MCKAY

AFFIDAVIT

State of Idaho

County of FRANKLIN

Roy L. Packer

being first duly sworn,

deposes and says:

This water belonging to Opal
Smith McKay, which comes from Bear
Creek has been used the last fifteen
years on a exchange basis, with the
Preston, Riverdale and Winkencreek canal
company. They take water out of our ditch
to compensate for the water out of the
creek which goes down the ditch.

I am a Ditch Director over this
canal.

Roy L. Packer
(signature)

Subscribed and sworn to before me this 21 day of February 19 77.

Stephen A. Mack
(notary public)

Residing at Preston, Idaho.
My commission expires lifetime.

NOT FILMED

No

317

AFFIDAVIT OF PUBLICATION

APR 1 1977

STATE OF IDAHO, }
 County of Franklin } ss.

Department of
 Eastern District of Idaho

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager 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

March 24th, 1977, and ending

with the issue of March 31st, 1977.

Richard D. Stockdale

Fee \$ 15.54

Subscribed and sworn to before me this 31st day

of March, 1977.

Notary Public, Residing at Preston, Idaho

My Commission Expires August 4, 1980

NOTICE OF CLAIM
 TO A WATER RIGHT
 NO. 13-4043

Notice is hereby given that Merlin R. &/or Opal McKay &/or Bryce K. &/or Carlene T. Egley, Preston, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 3.80 cubic feet per second of water from Bear Creek Spring with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 14S, R. 40E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 350 head of cows with calves within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 14S, R. 40E; and from Apr. 1 to Nov. 1 for the irrigation of 160 acres with a priority of Aug. 6, 1883 the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 23, T. 14S, R. 40E, 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.

R. KEITH HIGGINSON
 Director

Published in the Preston Citizen, Preston, Idaho on March 24 and March 31, 1977.

Legal No. 317 — Pub.
 March 24, 31, 1977.

WATER RIGHT NUMBER 13-4043

ACT
ION

OWNER LAST NAME - MC KAY
OWNER LAST NAME - MC KAY
OWNER LAST NAME - EGGLEY
OWNER LAST NAME - EGGLEY
ADDRESS LINE 1 - RT. 2

FIRST NAME - MERLIN R.
FIRST NAME - OPAL
FIRST NAME - RYCE R.
FIRST NAME - CARLENE J.

CITY - PRESTON

STATE - ID ZIP CODE - 83263

PRIORITY - 08-06-1883 COUNTY - FRANKLIN TOTAL DIV. RATE - 3.8000CFS

SWSW 23 14S 40E

USE DIV. RATE - 3.8000CFS
USE DIV. RATE - .0400CFS

SOURCE - BEAR CREEK SPRING
STAGE - STARY CLM
DIVERSION POINT - SWSW 14 14S 40E
FROM - 04-01 TO - 11-01 USE - IRRIGATION
FROM - 01-01 TO - 12-31 USE - STOCKWATER
USE - IRRIGATION
USE - IRRIGATION
USE - IRRIGATION
USE - STOCKWATER
USE - STOCKWATER
NON IRRIG USE - S/350 RANGE W/CALVES.

PLACE OF USE - TWN 14S RNG 40E SEC 14 TRACT SWSW AC 40
PLACE OF USE - TWN 14S RNG 40E SEC 15 TRACT SESE AC 40
PLACE OF USE - TWN 14S RNG 40E SEC 23 TRACT NWNW AC 40
PLACE OF USE - TWN 14S RNG 40E SEC 15 TRACT SESE AC 40
PLACE OF USE - TWN 14S RNG 40E SEC 23 TRACT NWNW AC 40



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 26, 1977

RE: Claim to a Water Right No. 13-4043

Merlin R. &/or Opal McKay and
Bryce K. &/or Carlene T. Egley
Rt. #2
Preston, Idaho 83263

Dear Mr. McKay:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim 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 claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. 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:CW

Enclosure: Copy of Claim

April 26, 1977

RE: Claim to a Water Right No. 13-4043

Mr. Merlin McKay
Rt. #2
Preston, Idaho 83263

Dear Mr. McKay:

Enclosed please find a copy of an additional exception filed against the above referenced claim.

If you have any questions concerning this matter, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

April 26, 1977

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

C. Stephen Allred
Director

RE: Claim to a Water Right No. 13-4043

Elias Jepsen & Clara C. Jepsen
Mink Creek Route
Preston, Idaho 83263

Dear Mr. & Mrs. Jepsen:

We have received the exception dated April 6, 1977, filed 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 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:cw



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

April 7, 1977

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

R. Keith Higginson
Director

RE: Claim to a Water Right No. 13-4043 McKAY & EGLEY

Mr. Jerome L. Mullikan
Preston,
Idaho 83263

Dear Mr. Mullikan:

We have received the exception dated April 5, 1977, filed 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 any 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 you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

April 7, 1977

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

R. Keith Higginson
Director

RE: Claim to a Water Right No. 13-4043 McKAY & EGLEY

Mr. Howard Dale Larsen
Preston,
Idaho 83263

Dear Mr. Larsen:

We have received the exception dated April 5, 1977, filed 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.

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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

April 7, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7166

R. Keith Higginson
Director

RE: Claim to a Water Right No. 13-4043

Merlin R. &/or Opal McKay
Bryce K. &/or Carlene T. Egley
Rt. #2
Preston, Idaho 83263

Gentlemen:

Please find enclosed copies of exceptions filed by Howard Dale Larsen and Jerome L. Mullikin in connection with your Claim No. 13-4043. 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 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:CW

Enclosure (2)

March 18, 1977

RE: Application for Permit No. 13-7152 DEATS
13-7160 PANTER
Claim to a Water Right No. 13-4043 McKAY
13-4044 GIBSON

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 _____ by _____

RDC:CW

Enc: Legal Notice (4)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4043

Notice is hereby given that Merlin R. &/or Opal McKay &/or Bryce K.
&/or Carlene T. Egley, Preston, Idaho
have ~~has~~ filed a claim to a water right established by diversion and application
to beneficial use of 3.80 cubic feet per second ~~xxxx feet per xxxxx~~
of water from Bear Creek Spring
with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 14S,
R. 40E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes for 350 head of cows with calves within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 15, T. 14S, R. 40E; and from Apr. 1 to Nov. 1 for the irrigation of
160 acres
with a priority of Aug. 6, 1883;
the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 23, T. 14S, R. 40E, 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.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on March 24 and March 31, 1977

He.
C. W. - L