

No

207

RECEIVED

AFFIDAVIT OF PUBLICATION

SEP 8 1976

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO, }
County of Franklin } ss.

WALTER ROSS

being duly sworn,

deposes and says:

That he is the 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

August 19, 1976, and ending

with the issue of August 24, 1976

Fee \$ 15.17

Subscribed and sworn to before me this 7th day
of September, 1976.

Notary W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 11, 1980

NOTICE OF CLAIM
TO A WATER RIGHT

NO. 13-4037

Notice is hereby given that B. LaGrand Spatig, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.50 cubic feet per second of water from Beckstead Spring tributary to Sheep Creek with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 15S, R. 40E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 100 head of dairy cattle within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T. 15S., R. 40E; and from Apr. 1 to Nov. 1 for the irrigation of 25 acres with a priority of October, 1957; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, T. 15S, 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 August 19 and August 26, 1976.

Legal No. 207 — Pub. Aug. 19, 26, 1976.

MICROFILMED

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.

Notice is hereby given that B. LaGrand Spatig (name of claimant)
of Rt #3, Preston, Idaho (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) Beckstead Spring, tributary to, Sheep 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 0.5 cfs Use Irrigation Period of Use: From April To Nov 1
Amount .04 cfs 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: 0.5 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) Oct. 1957

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 1/4 SW 1/4, Sec. 13 Twp. 15S 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. Spring, Perforated drain, 1/2 mile of 6" Concrete Pipe

(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.

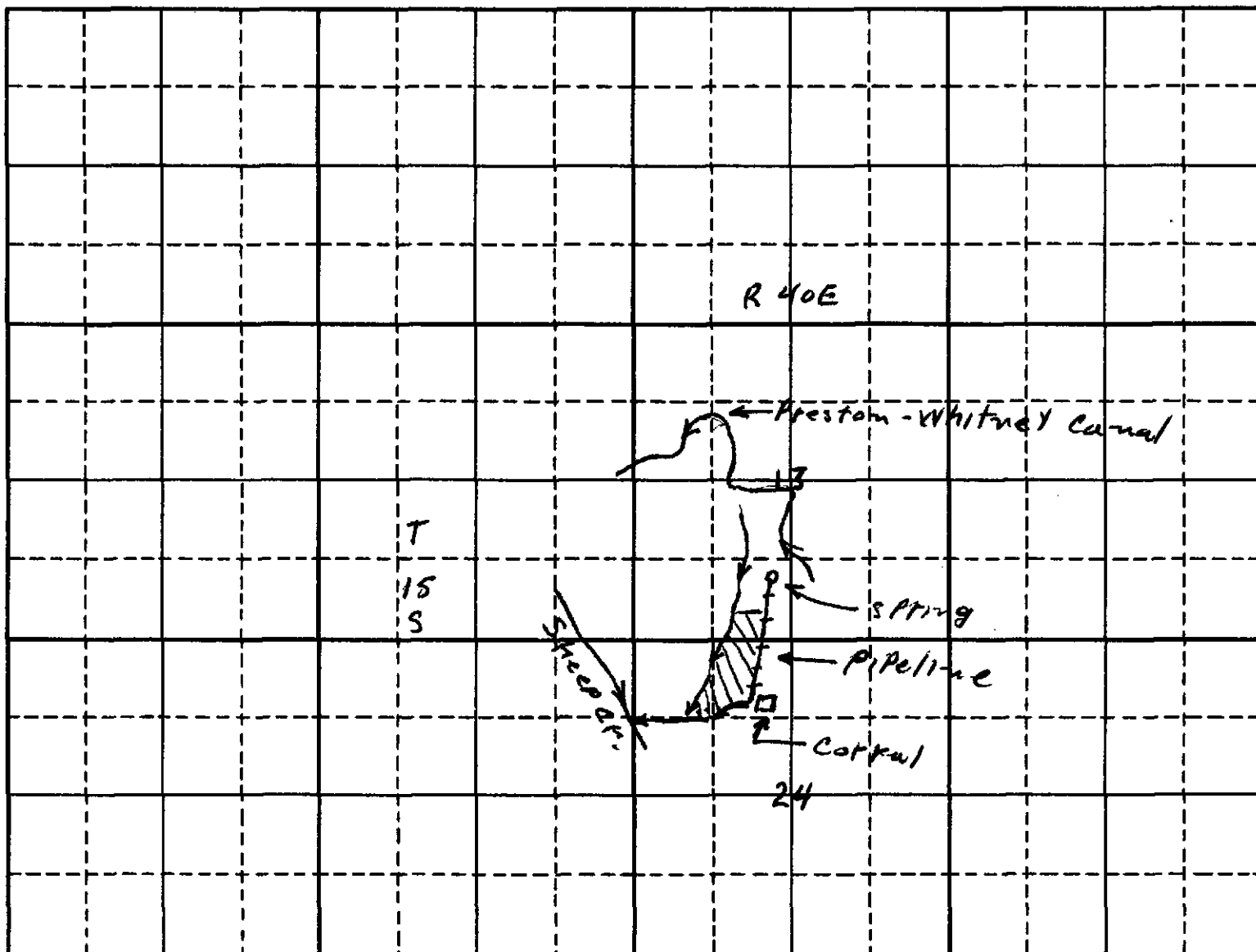
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	40E	13												5					5
		24					17	3											20

Total No. of acres 25

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
stockwater for 100 head of Dairy cattle in NE 1/4 NW 1/4 Sec 24 T15S R40E

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

(8) Remarks Water consists of Flow from Beckstead
Spring plus Seepage from The Preston -
Whitney Canal.



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)
) ss.
County of Franklin)

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.

B. LaGrand Spang
(Claimant)

Sworn to before me this 9th day of August, 1976.

Loren O. Thelmer
Notary Public
Residing at Idaho Falls, Id.

My commission expires March 26, 1979

For Department Use Only

Received by <u>ROC</u>	Date <u>8-11-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ROC</u>	Date <u>8/11/76</u>		claimant by:	
\$10.00 fee received by <u>ROC</u>	Date <u>8-11-76</u>			
Approved for publication by <u>ROC</u>	Date <u>8/18/76</u>			
Published in <u>Preston Citizen</u>				
Dates <u>Aug 1976, 1976</u>				

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R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on August 19 and August 26, 1976.

Legal No. 207 - Pub. Aug. 19, 26, 1976.

MICROFILMED

February 15, 1977

RE: Claim to a Water Right No. 13-4037

Mr. B. LaGrand Spatig
Rt. #3
Preston, Idaho 83263

Dear Mr. Spatig:

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

Enc: Copy of Claim

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September 7, 1976

RE: Claim to a Water Right No. 13-4037

SPATIG

Application for Permit No. 13-7133

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on August 19 and August 26, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

M E M O

TO: File
FROM: Loren Holmes *LH*
RE: Field Inspection of LaGrand Spatig Property
DATE: August 9, 1976

At the request of LaGrand Spatig, I inspected his property and system of drains and spring developments and assisted him in filling out an application for permit and a claim.

The water which was claimed is the combined output of a spring and a tile drain which is carried by a 6-inch concrete pipeline along the upper edge of a field where turnouts are installed for irrigation.

The field is very steep and was planted to wheat and not under irrigation when inspected. The pipeline terminates at a corral where the water is used for stock. The remaining water flows into Sheep Creek.

The application for permit covered water developed from a system of tile drains placed in wet spots in his fields and conducted into a draw through which it flows into Sheep Creek. The water results from seepage from the Preston-Whitney Canal at the upper edge of the fields.

I made no measurement of the water, but Mr. Spatig told me that he had a measurement made by the SCS the day before my inspection and they told him that 0.36 c.f.s was running into Sheep Creek.

He said he had had the water measured at various times and the system discharged as much as 3.00 c.f.s. in the early spring.

MICROFILMED

August 13, 1976

RE: Claim to a Water Right No. 13-4037 SPATIG
Application for Permit No. 13-7133

The Preston Citizen
P.O. 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

RDC:CW

Enc: Legal Notice (2)

Bill submitted 9-10-76 by CW

Bill not certified

ENCLOSURE

August 12, 1976

RE: Application for Permit No. 13-7133

Claim to a Water Right No. 13-4037

Mr. B. LaGrand Spatig
Rt. #3
Preston, Idaho 83263

Dear Mr. Spatig:

Attached herewith is departmental receipt No. 2509 in the amount of \$45.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

Attachment

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

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Preston, Idaho

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with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 15S, R. 40E, B.M.,
Franklin County

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purposes for 100 head of dairy cattle within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 15S, R.
40E; and from Apr. 1 to Nov. 1 for the irrigation of 25 acres
with a priority of October, 1957 ;
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R. 40E, B.M.

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R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on August 19 and August 26, 1976

MICROFILMED

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me-d.