

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
 County of Franklin } ss.

Wayne D. Bell

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 *two* 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

April 8, 19*76*, and ending
 with the issue of *April 15*, 19*76*.

Fee \$ *11.84*

Subscribed and sworn to before me this *3* day
 of *May*, 19*76*.

Deanna D. Lydden

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19*78*

RECEIVED
 MAY 6 1976

Department of Water Resources
 Eastern District Office

NOTICE OF CLAIM TO
 A WATER RIGHT
 NO. 13-4035

CW NOTICE IS HEREBY GIVEN that Allen W. Fisher, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a ground-water source with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 15S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwatering purposes for 40 head of dairy cattle, with a priority of March 1, 1939; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, 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.

R. KEITH HIGGINSON
 Director

Legal No. 124—Published in the Preston Citizen, Preston, Idaho on April 8 and April 15, 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 Allen W. Fisher
(name of claimant)
of Rt #2 Preston Id, claims a right to the diversion and beneficial use of
(mailing address)
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) Ground water
_____, 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 | <u>.04</u> | Use | <u>Domestic</u> | Period of Use: | From | <u>Jan 1</u> | To | <u>Dec 31</u> |
| Amount | <u>.02</u> | Use | <u>Stock</u> | Period of Use: | From | <u>Jan 1</u> | To | <u>Dec 31</u> |
| 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: .04 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) MARCH 1, 1939

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)
NE ¼ SE ¼, Sec. 16 Twp. 15S 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. 30' well 3' wide 1/2 hp.
critical pump. delivery system to house, &
stock troughs. 50 gal pressure tank.

- (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.

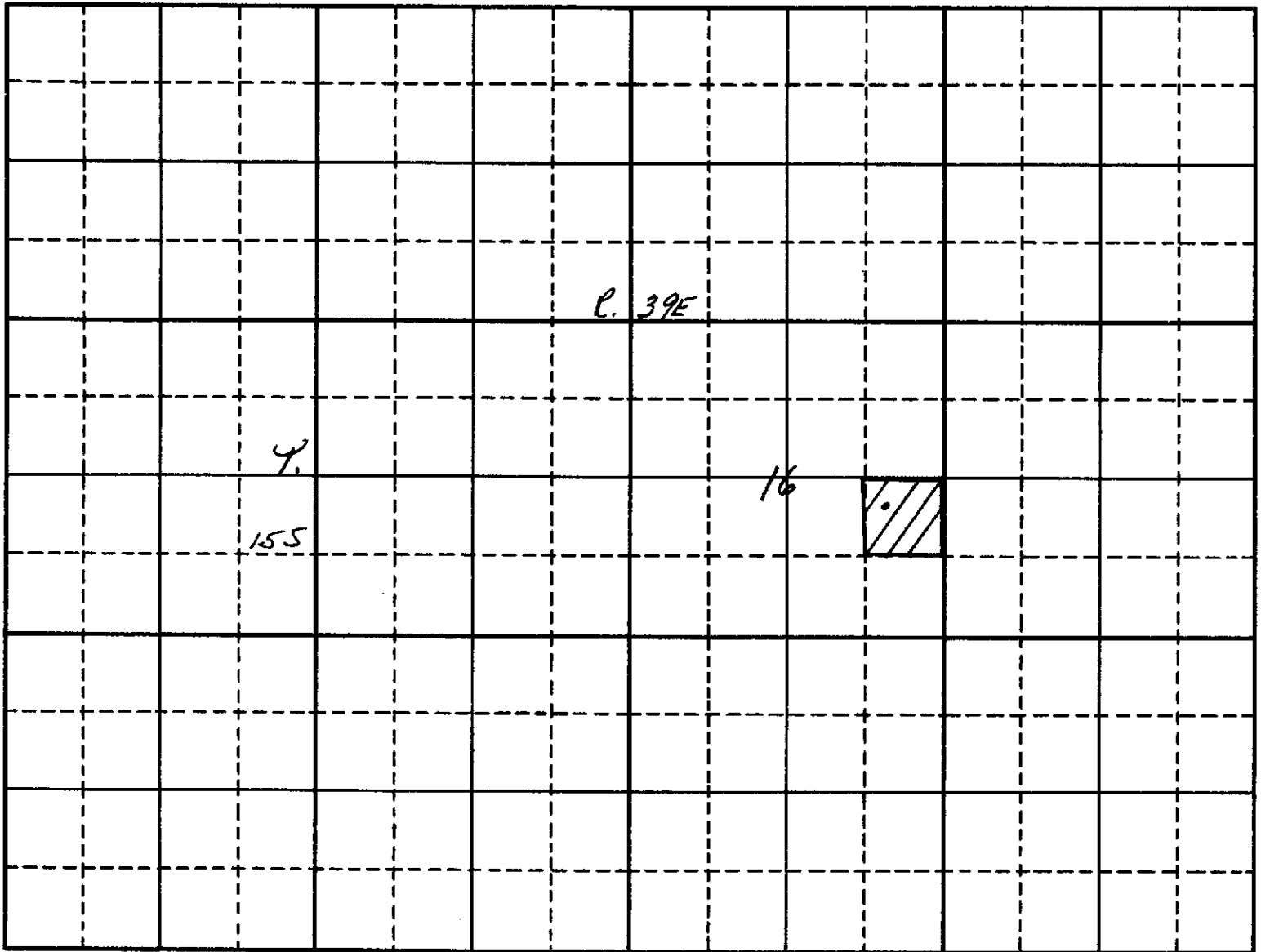
[illegible]

Total No. of acres

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: 40 head dairy cattle, milking barn, house one family

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

(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 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 affiants knowledge.

Sworn to before me this 24th day of March, 19 76.
Allen W. Fisher
(Claimant)

Garnie Westover
Notary Public
Residing at Preston, Idaho

My bond expires 7/8/78

For Department Use Only

Received by <u>LR</u>	Date <u>3-24-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>WR</u>	Date <u>3/25/76</u>		claimant by:	
\$10.00 fee received by <u>LR</u>	Date <u>3-25-76</u>			
Approved for publication by <u>me 5-26-76 #1270</u>				
Published in <u>Preston Citizen</u>				
Dates <u>April 21-15, 1976</u>				

MAY 6 1976

Department of Water Resources
Eastern District Office

being duly sworn,

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

NOTICE OF CLAIM TO A WATER RIGHT

NOTICE IS HEREBY GIVEN that Allen W. Fisher, Plaintiff, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of Columbia River water from a gravel pit source with point of diversion in the NE 1/4 Sec. 36, T27N, R28E, S2E, Franklin County,

[illegible]

KEITH NIGGINSON
Editor
Legal No. 100 Publish
ed in the Preston Citizen
Preston, Idaho on April 8 and
April 9, 1968

..... April 8, 1976, and ending
with the issue of April 15, 1976.

Subscribed and sworn to before me this ³..... day
 of May....., 1976.

Notary Public, Residing at Preston, Idaho

My Commission Expires March 1998

May 7, 1976

RE: Claim to a Water Right No. 13-4035

Mr. Allen W. Fisher
Rt. #2
Preston, Idaho 83263

Dear Mr. Fisher:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Section 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

April 26, 1976

RE: Claim to a Water Right No. 13-4033 Youngman
" " " No. 13-4034 Youngman
" " " No. 13-4035 Fisher
Application for Permit No. 13-7131 Benson

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 April 8 and April 15, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

Handwritten:
503-26
CW

April 6, 1976

RE: Claim to a Water Right No. 13-4035

Mr. Allen W. Fisher
Rt. #2
Preston, Idaho 83263

Dear Mr. Fisher:

Attached herewith is departmental receipt No. 15710 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CH

Attachment

April 2, 1976

RE: Claims to Water Rights Nos. 13-4033 YOUNGMAN
13-4034 YOUNGMAN
13-4035 FISHER
Application for Permit No. 13-7131 BENSON

The 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 5-16-76 by CD

RDC:ME

Legal Notices (4)

NOTICE OF CLAIM TO
A WATER RIGHT
NO. 13-4035

NOTICE IS HEREBY

GIVEN that Allen W. Fisher,
Preston, Idaho has filed a
claim to a water right estab-
lished by diversion and app-
lication to beneficial use of
0.04 cubic feet per second of
water from a ground-water
source with point of diver-
sion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
16, T. 15S, R. 39E, B.M.,
Franklin County.

The water is claimed to
be used from Jan. 1 to Dec.
31 for domestic purposes for
one family and stockwater-
ing purposes for 40 head of
dairy cattle, with a priority
of March 1, 1939; the place of
use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 16, T. 15S, R. 39E, B.M.
Any exception to this
claim of water right may be
filed with the Idaho Depart-
ment of Water Resources,
1515 Lincoln Road, Idaho
Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Legal No. 124—Publish-
ed in the Preston Citizen,
Preston, Idaho on April 8 and
April 15, 1976.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4035

Notice is hereby given that Allen W. Fisher,

Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXX~~
of water from a ground-water source

with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 15S, R. 39E, B.M.,
Franklin County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for one family and stockwatering purposes for 40 head of dairy cattle,
with a priority of March 1, 1939 ;
the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, 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.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on April 8 and April 15, 1976

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me-h
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