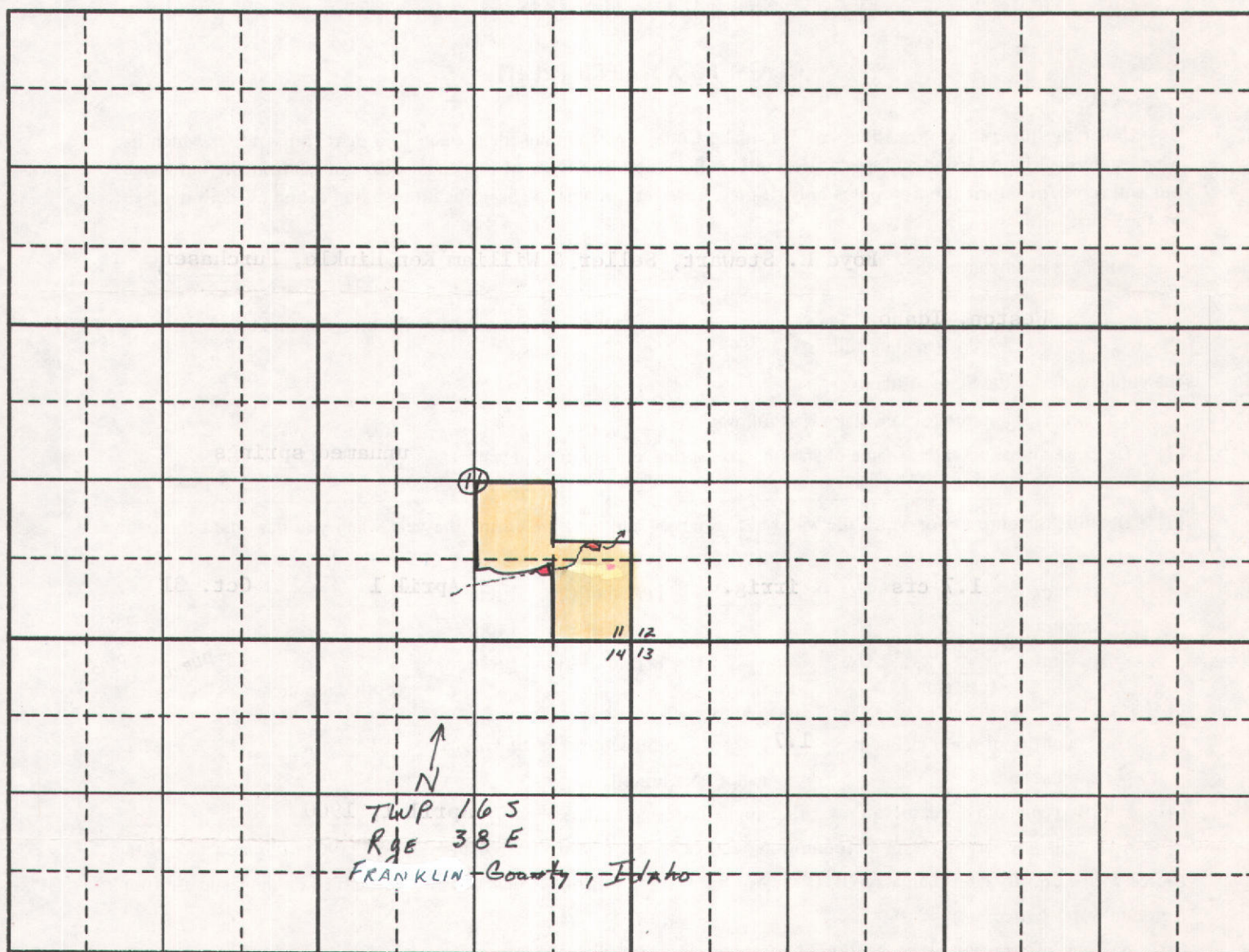


(8) Remarks _____



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.

Bayle H. Stewart
William Ken Smith
(Claimant)

Sworn to before me this 20th day of October 19 75.

Karel L. Anderson
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

For Department Use Only

Received by <u>me</u>	Date <u>10-23-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>10/23/75</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>10-23-75</u>			
Approved for publication by <u>me</u>	Date <u>11-13-75</u>			
Published in <u>The Preston Citizen</u>				
Dates <u>October 30 + November 6, 1975</u>				

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

October 30, 19*75*, and ending

with the issue of *November 6*, 19*75*

Wayne D. Bell

Fee \$ *13.32*

Subscribed and sworn to before me this *7* day

of *November*, 19*75*

De Ann P. Giddis

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19*78*

RECEIVED

NOV 10 1975

Department of Water Resources
 Eastern District Office

NOTICE OF CLAIM
 TO A WATER RIGHT
 NO. 13-4031

Notice is hereby given that Boyd H. Stewart, seller & Ken Hinkle, Weston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.70 cubic feet per second of water from unnamed springs with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 16S, R. 38E, B.M., NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 16S, R. 38E, B.M., Franklin County.

The water is claimed to be used from Apr. 1 to Oct. 31 for the irrigation of 85 acres with a priority of April 1, 1900; the place of use is within the SE $\frac{1}{4}$, Sec. 11, T. 16S, R. 38E, 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 October 30 and November 6, 1975.

Legal No. 23 — Pub. Oct. 30, Nov. 6, 1975.

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 Boyd H. Stewart, Seller, & William Ken Hinkle, Purchaser,
(name of claimant)
of Weston, Idaho, 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) unnamed springs
_____, 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>1.7 cfs</u> | Use | <u>irrig.</u> | Period of Use: | From | <u>April 1</u> | To | <u>Oct. 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: 1.7 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) April 1, 1900

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 SE ¼, Sec. 11 Twp. 16S Rge. 38 E B. M. County of Franklin
 Additional points of diversion: NE ¼ SE ¼ Section 11, Township 16 S., Rng 38 EBM

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. Water is collected in two reservoirs one in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and one in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. Twp and Range.

- (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 85

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

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

11

11/12
14/13

N

TWP 16 S
Rge 38 E
FRANKLIN County, Idaho

Received by JWC Date 10-23-75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RDC Date 10/23/75 claimant by: _____
\$10.00 fee received by me Date 10-23-75
Approved for publication by Ap's 10-23-75 _____
Published in The Preston Citizen _____
Dates October 30 + November 6, 1975 _____

RECEIVED

NOV 10 1975

Department of Water Resources
Eastern District Office

SS.

County of Franklin

Hayne 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

October 30, 1975, and ending

with the issue of November 6 1975

Fee \$ 13.32

Subscribed and sworn to before me this day

of November 1975

R. Ann. P. Liddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 1978

Notice is hereby given that
Boyd H. Stewart, seller &
Karl Winkler, Weston, Idaho
have filed a claim to a water
right established by their
son and are willing to agree
to pay for it at the rate of
one dollar per acre-foot of
water stored in the reservoir.
The amount of water stored
in the reservoir is about
100,000 cubic feet.

Dated at Weston, Idaho,
this 1st day of June, A.D. 1917.
Boyd H. Stewart, Seller.
Karl Winkler, Seller.

Witness my hand and seal
of office at Weston, Idaho,
this 1st day of June, A.D. 1917.
Franklin Collins

The water is claimed to be used from Apr. 1 to Dec. 31 for the irrigation of 10 acres with a unit of water 1, 1900. The water is used within the 3000 ft. T. 16S. E. 34E. 30N.

Any objection 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 HEDGECOCK
Director

Published in the Preston
Citizen, Preston, Idaho on
October 30 and November 6,
1975.

Legal No. 23 — Pub. Oct.
30, Nov. 6, 1975.

WATER RIGHT NUMBER 13-4031

WATER RIGHTS EDIT REPORT

12/05/79

PAGE 104

ACT

OWNER LAST NAME - STEWART

OWNER LAST NAME - HINKLE

CITY - WESTON

STATE - ID ZIP CODE - 83286

SOURCE - SPRINGS

STAGE - STAIRY CLM

PRIORITY - 04-01-1900 COUNTY - FRANKLIN TOTAL DIV. RATE - 1.7000CFS

DIVERSION POINT - SWS 11 166 38E

FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE - 1.7000CFS

FROM - 01-01 TO - 12-31 USE - IRRIGATION STORAGE

FROM - 04-01 TO - 10-31 USE - IRRIGATION FROM STORAGE

USE - IRRIGATION

REMARKS - WTR. STORED IN 2 RES. AT P/D.

TRACT SWS

TRACT SWS

TRACT SWS

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

IDAHO FALLS, IDAHO 83401

November 17, 1975

RE: Claim to a Water Right No. 13-4031

Mr. William Hinkle
Weston
Idaho 83286

Dear Mr. Hinkle:

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 District

RDC:ME

Enclosure: Copy of Claim

October 24, 1975

RE: Claim to a Water Right No. 13-4031

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
District Engineer

Bill submitted 11-10-1975 by me

RDC:ME

Legal Notice (1)

10/24/75
RDC

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4031

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Weston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.70 cubic feet per second ~~acres feet per annum~~
of water from unnamed springs
with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 16S, R. 38E, B.M., NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11,
T. 16S, R. 38E, B.M., Franklin County

The water is claimed to be used from Apr. 1 to Oct. 31
for the irrigation of 85 acres
with a priority of April 1, 1900;
the place of use is within the SE $\frac{1}{4}$, Sec. 11, T. 16S, R. 38E, 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 October 30 and November 6, 1975.

W. L. A.

October 23, 1975

RE: Claim to a Water Right No. 13-4031

Mr. Boyd H. Stewart
Weston
Idaho 83286

Dear Mr. Stewart:

Attached herewith is Departmental receipt No. 15454 in the amount of \$10.00 for the above referenced Claim.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:ME

Attachment

FEDERAL LAND BANK ASSOCIATION OF PRESTON

P.O. BOX 386 102 NORTH STATE PRESTON, IDAHO 83263

TELEPHONE: 852-2145



RECEIVED

OCT 23 1975

J. P. GARNER, MANAGER

Department of Water Resources
Eastern District Office

October 22, 1975

Re: Loan # 162130-1 - Stewart

Idaho Department of Water Adm.
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attention: Kenneth Flowerdew

Dear Mr. Flowerdew,

Enclosed is executed Claim to a Water Right and check for \$10 from Boyd Stewart which we are resubmitting for your attention. We have made the changes you requested and are sorry for any inconvenience we may have caused you.

Yours truly,

Gayle C. Burton
Ass't to Manager

gcb

enclosure

MICROFILMED

