

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

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 and 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

June 12, 19 *75*, and ending

with the issue of *June 19*, 19 *75*

Hayne D. Bell

Fees, \$ *13.69*

Subscribed and sworn to before me this *7* day

of *July*, 19 *75*.

Robert D. Giddis

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*.

RECEIVED

JUL 8 1975

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4028

Notice is hereby given that Gary Jay Baker, Clifton, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.16 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. 28, T. 13S, R. 38E, 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 24 beef cattle and 18 sheep and from Apr. 1 to Nov. 1 for the irrigation of 5 acres; all uses within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 13S, R. 38E, B.M., with a priority of February 3, 1961.

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 June 12 and June 19, 1975.

Legal No. 2967 — Pub.
June 12, 19, 1975. *CW*

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 GARY JAY BAKER
(name of claimant)
of RFD Oxford, Clifton, Idaho 83228, 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>0.10</u> | Use <u>Irrigation</u> | Period of Use: From <u>April 1</u> To <u>Nov. 1</u> |
| Amount | <u>0.02</u> | Use <u>Stockwater</u> | Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u> |
| Amount | <u>0.04</u> | Use <u>Domestic</u> | Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u> |
| | (cfs, gpm
or a/f) | (dom., irri.,
stock, etc.) | (both dates inclusive) |

- (3) Total quantity of water claimed: 0.16 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) February 3, 1961

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. 28 Twp. 13S Rge. 38E 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. 2 hp Irrigation Pump; 1 1/2" in well; 2 1/2" underground; 3" Sprinkler Pipe. Domestic use requires 1" pipe to house. Small domestic storage tank. 3/4" pipe to livestock.

- (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 5

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater - 24 Beef Cattle; 18 sheep; Domestic - one family

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

1000

SECTION 28, Tshp. 13S
RANGE 38E

(Point of Diversion)

(Area of Use)

The map shows a grid of 36 sections (6x6). Section 28 is located in the bottom-right corner of the grid. A small rectangular area within Section 28 is labeled '(Area of Use)'. A line extends from the top-right corner of this area, passing through the section boundary into the adjacent section to the east, and is labeled '(Point of Diversion)'.

Received by MB Date 6-3-75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by MB Date 6-3-75 claimant by: _____
\$10.00 fee received by MB Date 6-3-75
Approved for publication by (CW) 7-28-75 #4273 _____
Published in The Winston Citizen _____
Dates June 12 + 19, 1975 _____

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Wayne D. Bell

being duly sworn,

deposes and says:

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June 12, 19 *75*, and ending

with the issue of *June 19*, 19 *75*

Wayne D. Bell

Fees, \$ *13.69*

Subscribed and sworn to before me this *7* day

of *July*, 19 *75*.

Robert D. Giddes

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*

RECEIVED

JUL 8 1975

Department of Water Resources
Eastern District Office



RECEIVED

July 8, 1975

RE: Claim to a Water Right No. 13-4028

Mr. Gary Jay Baker
RFD Oxford
Clifton, ID 83228

Dear Mr. Baker:

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
District Engineer

RDC:MB

Enc: Copy of claim

June 30, 1975

RE: Application for Transfer No. 13-2242 Ward
Claim to a Water Right No. 13-4027 Riches
Claim to a Water Right No. 13-4028 Baker
Application for Permit No. 13-7116 Hart

The 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 applications. The legal notices were to have been published in your paper on June 12 and June 19, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:RE

Called 7/7/75

ENCLOSURE

June 4, 1975

RE: Application for Transfer No. 13-2242 WARD
Claim to a Water Right No. 13-4027 RICHES
Claim to a Water Right No. 13-4028 BAKER
Application for Permit No. 13-7116 HART

The Preston Citizen
Box 472
Preston, ID 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 _____ by _____

RDC:MB

Enc: Legal Notice (4)

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 13-4028

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R. KEITH HIGGINSON
Director
Published in the Preston Citizen, Preston, Idaho on June 12 and June 19, 1975.
Legal No. 2967 — Pub.
June 12, 19, 1975.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4028

Notice is hereby given that Gary Jay Baker,

Clifton, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.16 cubic feet per second ~~acres 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. 28, T. 13S, R. 38E, 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 24 beef cattle and
~~with a priority of~~ 18 sheep and from Apr. 1 to Nov. 1 for the irrigation
~~the place of use is within the~~ of 5 acres; all uses within the NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 28, T. 13S, R. 38E, B.M., with a priority of February 3, 1961.

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 June 12 and June 19, 1975

RECORDED

CW-H
AW-A
CW-A

June 3, 1975

RE: Claim to a Water Right No. 13-4028

Mr. Gary Jay Baker
RFD Oxford
Clifton, ID 83228

Dear Mr. Baker:

Attached herewith is departmental receipt No. 4273 in the amount of \$10.00 for the above referenced claim which was submitted on your behalf by J. D. Williams.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Attachment

J. DENNIS (J. D.) WILLIAMS

ATTORNEY & COUNSELOR AT LAW

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

J. D. WILLIAMS

LOWELL D. CASTLETON
LAW INTERN

TELEPHONE:
(208) 852-2680

May 29, 1975

RECEIVED

JUN 3 1975

Department of Natural Resources
Eastern District Office

Mr. Ken Flowerdew
Idaho Department of Water Administration
Eastern District Office
240 South Holmes Avenue
Idaho Falls, Idaho 83401

Re: Claim to a water right for Gary J. Baker.

Dear Mr. Flowerdew:

With reference to your letter of April 15, I am enclosing a Claim of Right for Mr. Gary J. Baker and his fee of \$10.00.

I have attempted to follow your suggestions in the preparation of this document.

If you have any questions, please let us know.

Sincerely,



J. DENNIS (J. D.) WILLIAMS
Attorney at Law

LDC/jj

Enclosures

MAILED 1975

April 15, 1975

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

We are returning the application for permit which you submitted on behalf of Mr. Gary Jay Baker and his check No. 92-273 in the amount of \$10.00, as the application is unsatisfactory in its present form.

The amount of water of 0.18 cfs for irrigation is excessive. The Department only allows 0.02 cfs per acre, unless it can be shown that more water is needed with a statement from one of your county agents. The amount we normally allow for 5 acres is 0.10 cfs. You have indicated stockwater use in Item 8a(3). However, you have not indicated a desire to file for stockwater use. For this number of livestock we would normally allow a diversion rate of 0.02 cfs.

The point of diversion in Item 3a does not correspond with the 40 acre plat on your map. In Item 3 the point of diversion is listed in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28 and the map indicates the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28. Correction is needed on either the map or in Item 3.

You have indicated in Item 7a that the well was constructed over 15 years ago. It may be in the best interest of your client to file a claim to a water right vice this application for permit. The Idaho Statutes allow filing on use rights for ground water so long as that water was appropriated prior to March 25, 1963. By your client filing a claim, he could establish a priority of over 15 years rather than a 1975 priority. Should he not desire to file a claim, you may reduce the irrigation amount to 0.10 cfs, 0.04 cfs for domestic and 0.02 cfs for stockwater use, making a total appropriation of 0.16 cfs and the filing fee for for this amount of water is \$10.00 for the application. He may claim any amount he desires on a claim for a \$10.00 filing fee.

We are enclosing forms for your use of either the application or claim, as your client desires. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

KEN FLOWERDEW
Water Resource Technician II

KF:mb

Enclosures

RECEIVED

RECEIVED

APR 14 1975

Department of Water Resources
Eastern District Office

J. D. WILLIAMS

LOWELL D. CASTLETON
LAW INTERN

J. DENNIS (J. D.) WILLIAMS

ATTORNEY & COUNSELOR AT LAW

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

TELEPHONE:
(208) 852-2680

April 11, 1975

Idaho Department of Water Administration
Eastern District Office
240 South Holmes Avenue
Idaho Falls, Idaho 83401

Dear Sir:

Enclosed please find the Water Application for Mr. Gary Jay Baker,
along with the \$10.00 application fee.

Yours very truly,



J. DENNIS (J. D.) WILLIAMS
Attorney at Law

JDW/jp

Enc.

MICROFILMED