

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, \$ *12.58*

Subscribed and sworn to before me this *7* day

of *July*, 19 *75*.

Delana 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. 13-4027

Notice is hereby given that John Q. Riches, Smithfield, Utah, has filed a claim to a water right established by diversion and application to beneficial use of 0.26 cubic feet per second of water from an unnamed spring tributary to Battle Creek, with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 13S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 13 acres with a priority of 1902; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 13S, R. 39E, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 13S, 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 June 12 and June 19, 1975.

Legal NO. 2966 — Pub. June 12, 19, 1975.

MICROFILMED

CLAIM TO A WATER RIGHT

Notice is hereby given that John Q. Riches

(name of claimant)

the public water of the State of Idaho

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed spring
_____, tributary to, Battle Creek

Amount	<u>0.26</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>Apr. 1</u>	To	<u>Nov. 1</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

(3) Total quantity of water claimed: 0.26 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) 1902

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 ¼ NE ¼, Sec. 13 Twp. 13S 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. Diversion dam and ditch

(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 13

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: _____

RECEIVED

A hand-drawn map on a grid. The map shows a road running vertically, labeled "Battle Cr." with an arrow pointing downwards. To the left of the road, there is a "Spring" with an arrow pointing to it. The road is flanked by two areas labeled "R39E" and "R40E". The road is also flanked by two areas labeled "T 13 S" and "18". The road is also flanked by two areas labeled "13" and "18".

Received by AW Date 6-02-75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by FH Date 6-02-75 claimant by: _____
\$10.00 fee received by AW Date 6-02-75
Approved for publication by AW 7-08-75 #4267 _____
Published in The Preston Citizen _____
Dates June 12 & 19, 1975 _____

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

SS.

Wayne D. Bell

being duly sworn,

deposes and says:

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Such notice was published in the issue beginning with

June 12, 19 75, and ending

with the issue of June 19, 19 75

Wayne D. Bell

Fees, \$ 12.58

Subscribed and sworn to before me this 7 day

of July, 19 75.

William D. Liddell

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78.

RECEIVED

JUL 8 1975

Department of Water Resources
Eastern District Office



NOTARY PUBLIC

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OWNER LAST NAME - RICHES

ADDRESS LINE 1 - 280 W. CROWE ST.

SOURCE - SPRING

STAGE - STARY CLM

DIVERSION POINT - SEWN 13 13S 39E

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE - IRRIGATION

FIRST NAME - JUNE Q.

CITY - SMITHFIELD

PRIORITARY OF - BATTLE CREEK

PRIORITY - 05-01-1902

COUNTY - FRANKLIN

STATE - ID

ZIP CODE - 84335

STATE - ID ZIP CODE - 84335

TOTAL DIV. RATE -

USE DIV. RATE -

PLACE OF USE -

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July 8, 1975

RE: Claim to a Water Right No. 13-4027

Mr. John Q. Riches
280 W. Center St.
Smithfield, Utah 84335

Dear Mr. Riches:

The Department of Water Resources had 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

July 7, 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 please find the publication bill which you submitted for the above referenced applications. However, we have not received the affidavits of publication so we are returning it so these documents can be included.

Thank you for your cooperation in this matter.

Very truly yours,

MECHELLE BUTTE
Senior Clerk

Enclosure

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:IE

RECEIVED

Called 7/7/75



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)

no bill
RECEIVED

NOTICE OF CLAIM
TO A WATER RIGHT

NO. 13-4027

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R. KEITH HIGGINSON
Director
Published in the Preston Citizen, Preston, Idaho on June 12 and June 19, 1975.
Legal NO. 2906 — Pub.
June 12, 19, 1975.

RECEIVED

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4027

Notice is hereby given that John Q. Riches,

Smithfield, Utah,

has filed a claim to a water right established by diversion and application
to beneficial use of 0.26 cubic feet per second ~~from the Battle Creek~~

of water from an unnamed spring tributary to Battle Creek

with point of diversion in the SE¹/4, Sec. 13, T. 13S, R. 39E, B.M.,

Franklin County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the
irrigation of 13 acres

with a priority of 1902;

the place of use is within the NE¹/4, Sec. 13, T. 13S, R. 39E,

NW¹/4, Sec. 18, T. 13S, 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 June 12 and June 19, 1975

MICROFILMED

aw-p aw-H aw-A