Received 7/05/74-DB

№ 2670

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Dalton Ross

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 13, 1974, and ending

with the issue of June 20, 1974

J. Dalton Ross

Fees, $ 23.31

Subscribed and sworn to before me this First day

of July, 1974.

Delores D. Geddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 1978

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHT

NO. 13-0064 13-0066 13-0067

Notice is hereby given that Vaughn J. and-or Geneva B. Larsen, Route 1, Preston, Idaho, have applied to the Idaho Department of Water Administration to exchange the waters of Worm Creek. The rights sought to be changed are evidenced by decree to Alma Choules, Royal G. Wilson and Vaughn J. Larsen in Case of William Gilbert, et al, -vs- Joseph Gailey, et al, dated April 2, 1957 in Fifth District Court, Franklin County and are recorded as follows:

AMOUNT: 0.97 cfs each
Total 2.91 cfs

PRIORITY: June 9, 1923

SOURCE: Spring Creek (Worm Creek)

DECREED POINT OF DIVERSION: $NW^1/_4NW^1/_4$, Sec. 13, T. 16S, R. 39E, B.M., Franklin County;

The water is used for irrigation purposes of 117 acres within the $SW^1/_4$, $W^1/_2SE^1/_4$, Sec. 14, T. 16S, R. 39E, B.M.

TO BE EXCHANGED AS FOLLOWS

The applicant proposes to inject the water described above into an unnamed stream (West Fork of Worm Creek) at a point within the $NW^1/_4SW^1/_4$, Sec. 14, T. 16S, R. 39E, and to redivert 2.91 cfs of the commingled waters at a point within the $NW^1/_4SW^1/_4$, Sec. 14, T. 16S, R. 39E, to irrigate the same land as described above.

Any protest against approval of the above proposed exchange of water rights must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 1, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on June 13 and June 20, 1974.

Legal No. 2670 — Pub. June 13, 20, 1974.

MICROFILMED

13-0064
13-0066

Identification No. 13-0067

Exchange No. _____

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Vaughn J. &/or Geneva B. Larsen 852-1058
   Post office address Rt. #1, Preston, Idaho 83263

2. Right obtained by:
   a. Decree to Vaughn J. Larsen (Name) in Case of Alma Choules, Royal G. Wilson, Wm. Gilbert, Vaughn J. Larsen, M. D. Gilbert, Alma Choules, Royal Wilson, E. Cole vs. Jos Gailey, Udell Gailey, Barbara Hawkes, Merlin Whittle, Stanton Hawkes, Dated April 2, 1957 in 5th District (Name of Court) Court, County of Franklin. Fully describe decree _____
   b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

3. Source of water Spring Creek ~~tributary to~~ (Worm Creek)
   (Name of stream or source)

4. Date of Priority of Right June 9, 1923

5. Amount of water a. 2.91 c.f.s. and/or b. _____ acre feet/annum

(13-0064	.97	cfs
(13-0066	.97	cfs
(13-0067	.97	cfs
	2.91	cfs

6. Water is used for Irrigation (Purpose) from Apr. 1 (Month-Day) to Nov. 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is NW ¼ NW ¼ of Section 13, Township 16S, Range 39E, B.M., in Franklin County;
   Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	39E	14									20	21	16	20		20	20		117
											✓	✓	•	•		✓	✓		

MICROFILMED

Total number of acres to be irrigated 117

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

(Signature of Applicant)

Subscribed and sworn to before me this 24 day of May, 1974.

(Notary Public)

My commission expires 11-15-74

ACTION OF THE DIRECTOR, DEPT. OF WATER RESOURCES

I have examined Application for Exchange of Water No. 13-0064, 13-0066 & 13-0067 and said application is hereby APPROVED.

Approval of said application is subject to the following limitations and conditions:

1. Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of injection into the unnamed stream and at the point of re-diversion from the unnamed stream.
2. The rate of rediversion from the unnamed stream shall be limited to the rate at which water is injected by the right holder into the unnamed stream.

Witness my hand this 15 day of July, 19 74.

R. KEITH HIGGINSON, Director
Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by MB Date 5-28-74 Time 11:30 A Preliminary check by RJC

Fee $30.00 Receipted by MB Date 5-28-74 Publication prepared by MB

Date 6/7/74 Published in Preston Citizen, Preston Dates 6/13+20/74

Affidavit of Publication received 7/05/24 Publication approved by CB - 7/05/24

Republished Dates —.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken
None					

Agreement needed No Agreement received

Hearings held at N.A. Date N.A.

Recommended for approval denial by NCY

(Title)

MICROFILMED

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder No specific right being exchanged

   Post office address _____

10. Source of water Unnamed Stream tributary to Worm Creek
    (Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or
    b. _____ acre feet/annum

13. Right obtained by:

    a. Decree to _____ in Case of _____
    (Name)

    vs. _____, Dated _____ in _____
    (Name of Court)

    Court, County of _____. Fully describe decree (if known) _____

    _____

    _____

    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE

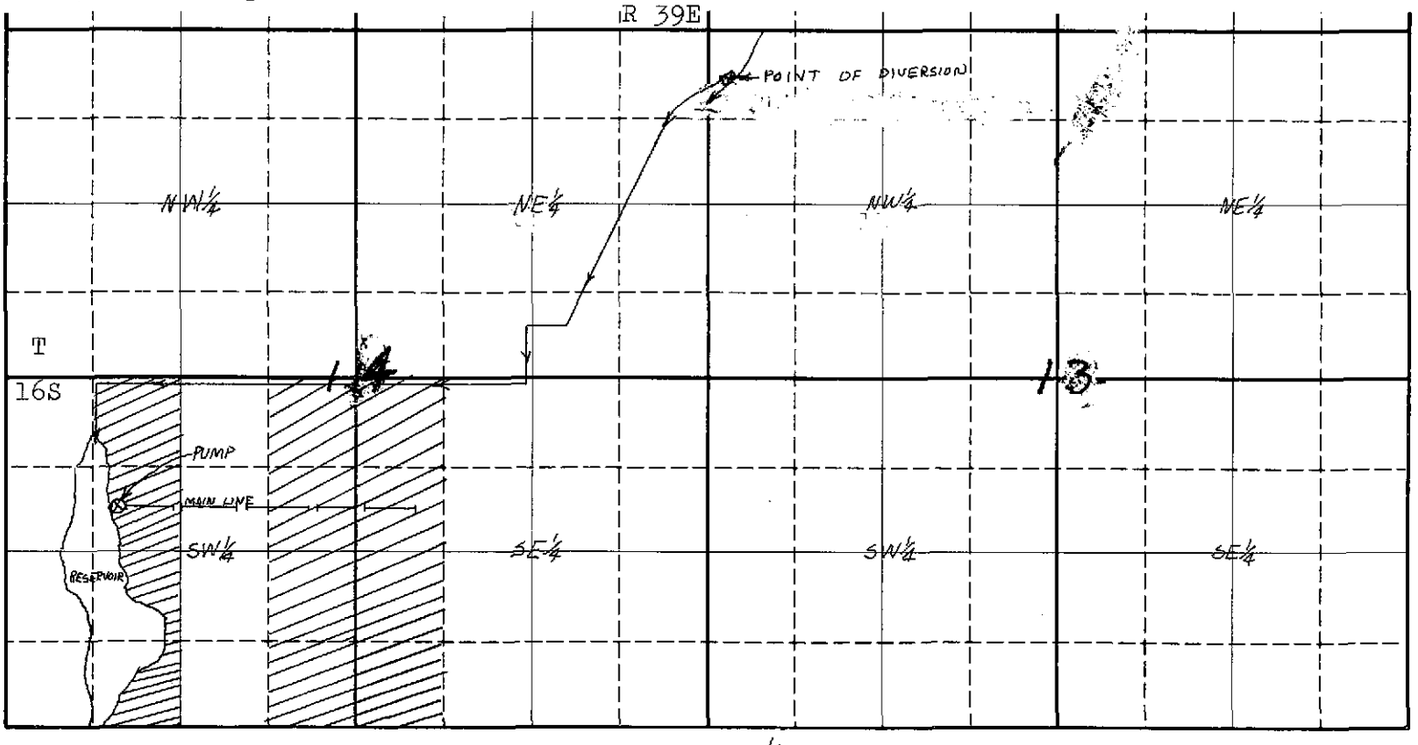
14. 2.91 c.f.s and/or _____ acre feet per annum of water diverted at the point described in line 7 and will be delivered into Unnamed Stream at a point in NW ¼ SW ¼ of Section 14, Township 16S, Range 39E, B.M., in Franklin County; Additional points, if any _____

    _____

15. In lieu thereof 2.91 c.f.s. and/or _____ acre feet per annum will be diverted from Unnamed Stream at a point within the NW ¼ SW ¼ of Section 14, Township 16S, Range 39E, B.M., in Franklin County.

16. Explanation More efficient irrigation system proposed to inject water from Worm Creek and re-divert it approximately 50 yards downstream by means of a pump.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



SCALE 1 INCH = ¼ MILE

//// = LANDS TO BE IRRIGATED

RECEIVED

NCT
5/31/74

Review of Application for Exchange of Rights 13-0065, 13-0066, & 13-0067

(1) Rights appear to be valid and have been recommended in the Woem Ck Adjud. Vaughn I &/or Geneva B. Larsen are shown as the present owners of the property as listed in Item 8

(2) Point of diversion, place of use, and quantity agree with decree and/or proposed findings for Woem Ck adjud if not listed in the decree

(3) The MAP presented agrees with the other information presented and with the Woem Ck adjud field mapping.

(4) Signatures and fee are acceptable.

(5) Should be advertised and held for protest period.

(6) Application actually involves a commingle rather than an exchge, but the application is desirable and should be processed.

MICROFILMED

№ 2670

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STATE OF IDAHO,
County of Franklin } ss.

J. Dalton Ross
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 13, 1974, and ending with the issue of June 20, 1974

J. Dalton Ross

Fees, $ 23.31

Subscribed and sworn to before me this First day of July, 1974.

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 1978

Request No. 54-68

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHT
NO. 13-0064 13-0066 13-0067

Notice is hereby given that Vaughn J. and-or Geneva B. Larsen, Route 1, Preston, Idaho, have applied to the Idaho Department of Water Administration to exchange the waters of Worm Creek. The rights sought to be changed are evidenced by decree to Alma Choules, Royal G. Wilson and Vaughn J. Larsen in Case of William Gilbert, et al, -vs- Joseph Gailey, et al, dated April 2, 1957 in Fifth District Court, Franklin County and are recorded as follows:

AMOUNT: 0.97 cfs each
Total 2.91 cfs

PRIORITY: June 9, 1923

SOURCE: Spring Creek (Worm Creek)

DECREED POINT OF DIVERSION: NW¼NW¼, Sec. 13, T. 16S, R. 39E, B.M., Franklin County;

The water is used for irrigation purposes of 117 acres within the SW¼, W½SE¼, Sec. 14, T. 16S, R. 39E, B.M.

TO BE EXCHANGED AS FOLLOWS

The applicant proposes to inject the water described above into an unnamed stream (West Fork of Worm Creek) at a point within the NW¼SW¼, Sec. 14, T. 16S, R. 39E, and to redivert 2.91 cfs of the commingled waters at a point within the NW¼SW¼, Sec. 14, T. 16S, R. 39E, to irrigate the same land as described above.

Any protest against approval of the above proposed exchange of water rights must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 1, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on June 13 and June 20, 1974.

Legal No. 2670 — Pub. June 13, 20, 1974.

SEE CORRESPONDENCE FILED IN 13-0064

July 16, 1974

Vaughn J. &/or Geneva B. Larsen
Route # 1
Preston, Idaho 83263

Dear Mr. & Mrs. Larsen:

Enclosed herewith is a copy of your approved Application for Exchange of Water No. 13-0064, 13-0066 & 13-0067.

We direct your attention to the conditions of approval as listed on the third page. Enclosed is a letter describing different types of measuring devices approved by this Department.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enclosures

bc: Eastern District Office

RECEIVED

M E M O R A N D U M

TO: File

FROM: Norm Young

RE: Exchange 13-0064/ 13-0066/13-0067

DATE: July 8, 1974

1. Principle water users affected by this exchange are Hazen Gilbert and Vern Hinckley. Mr. Gilbert complained about Mr. Larsen pumping water from the unnamed stream without putting sufficient water into it from Worm Creek.

I expected Mr. Gilbert to protest this filing. When he did not, I called and discussed it with his wife. She indicated that Mr. Gilbert did not intend to protest because he felt our usual administrative proceddres would satisfy his complaints.

2. I recommended that the exchange be approved subject to the following conditions:

ok BDF 1. Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of injection into the unnamed stream and at a point of rediversion from the unnamed stream.

ok BDF 2. The rate of rediversion from the unnamed stream shall be limited to the rate at which water is injected by the right holder into the unnamed stream.

NCY

MICROFILMED

June 7, 1974

Re: Application for Exchange of Water Right No. 13-0064/13-0066/13-0067

LARSEN

The Preston Citizen
Box 389
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,

NORMAN C. YOUNG
District Engineer

Bill submitted_____by_____

NCY:MB

Enc: Legal Notice (1)

MICROFILMED

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHT

NO. 13-0064 13-0066 13-0067

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Total 2.91 cfs

PRIORITY: June 9, 1923

SOURCE: Spring Creek (Worm Creek)

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Any protest against approval of the above proposed exchange of water rights must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 1, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on June 13 and June 20, 1974.

Legal No. 2670 — Pub. June 13, 20, 1974.

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHT

NO. 13-0064/13-0066/13-0067

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Total 2.91 cfs

SOURCE: Spring Creek (Worm Creek)

DECREED POINT OF DIVERSION: NW¼NW¼, Sec. 13, T. 16S, R. 39E, B.M., Franklin County;

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R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho, on June 13 and June 20, 1974.

May 28, 1974

Re: Application for Exchange of Water No. 13-0064, 13-0066, 13-0067

Mr. Vaughn J. Larsen
Route #1
Preston, ID 83263

Dear Mr. Larsen:

Attached herewith is departmental receipt No. 12897 in the amount of $30.00 for the above referenced application.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Attachment

Sinequan®
DOXEPIN HCl

Starting dosage:
25 mg. t.i.d.

The first single agent that can be prescribed as a tranquilizer...an antidepressant...or both.

Merlin Gilbert water
number is 13-0063-also
uses their pump

RECEIVED
MAY 20 1974
Department of Water Administration
Eastern District Office

MICROFILMED

(See back cover for full product information.)

Pfizer LABORATORIES DIVISION
New York, N.Y. 10017

April 17, 1974

RE: 13-0064, 13-0066, and 13-0067

Vaughn J. &/or Geneva B. Larsen
Rt. #1
Preston, Idaho 83263

Dear Mr. Larsen:

This department is currently reviewing the above referenced claims submitted on the Worm Creek Adjudication. As you recall, these claims are supported by the Gilbert vs. Gailey Decree from the 5th District Court of Franklin County dated April 2 , 1957. Water to fill these claims is proposed to be diverted from Spring Creek by means of a headgate and ditch in the NW¼NW¼, Sec. 13, T. 16S, R. 39E., to be used for irrigation of lands in the E½W½SW¼, E½E½SW¼, W½W½SE¼, Sec. 14, T. 16S, R. 39E.

In reviewing our field mapping it appears these lands are now irrigated by means of a pump and sprinkler system diverting water from a reservoir in the NW¼SW¼, Sec. 14, T. 16S, R. 39E., and irrigating the same land as referenced in the preceding paragraph. It appears this reservoir water is being pumped in exchange for the above referenced decreed water which is being injected into this same reservoir at a point in the NW¼SW¼, Sec. 14, T. 16S, R. 39E.

This type of exchange falls under the provisions of Section 42-105 of the Idaho Code which requires an approved permit from this department for this type of exchange. I have taken the liberty of preparing and enclosing an application for such a permit. This application does not cover the entire decree, but only those rights claimed by you, on your adjudication claims, these being 13-0064, 13-0066, and 13-0067. If the entire decree is now being exchanged please inform this office so that we may contact the other water right holders. Also, filing of this application for exchange will aid us in preparing more accurate records for submission to the District Court on the Worm Creek Adjudication.

Review the enclosed exchange application, if you feel it accurately presents your rights as they are now being diverted and applied, sign the application, have it notarized, and return it to this office together with the statutory filing and advertising fee of $30.00. The advertising fee is used to give constructive notice to all other water users that will be affected by the exchange.

If you have further questions, or require further assistance on this matter, please do not hesitate to contact this office.

Very truly yours,

JOHN R. FEREBAUER
Water Resource Technician

JRF:cb

Enc: Typed App. for Exchange

COPY